



Province of Alberta

The 27th Legislature
Fourth Session

Alberta Hansard

Monday evening, December 5, 2011

Issue 46e

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta The 27th Legislature

Fourth Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, December 5, 2011

Government Bills and Orders Committee of the Whole

[Mr. Zwozdesky in the chair]

Bill 26 Traffic Safety Amendment Act, 2011

The Deputy Chair: Hon. members, I have four speakers who have so far indicated they wish to speak. If you wish to speak, please let me know, and I'll add you to the list.

We'll start with the hon. Member for Olds-Didsbury-Three Hills, please.

Mr. Marz: Thank you, Mr. Chair. I'm pleased to stand and record my comments into *Hansard* tonight. Much has been said about this bill so far. I'd like to add my comments as well. I'd like to start off by saying, probably like everyone else here, we've had some friends or relatives, loved ones, who have suffered death in car crashes, and it's always a traumatic experience. For anybody that's been in that situation, I'd like to give my deep regrets for the losses that they've encountered.

It's a very emotional issue, this particular bill. Whether loved ones have died in car crashes or traffic accidents caused by speeding, driving without due care and attention, distracted driving, carelessness, driving under the influence of either alcohol or drugs, the results are all the same; you don't come home. That creates a very traumatic and sudden loss for everybody else that's left behind. It's a little different than someone that's dying of an illness, where you almost have time to adjust to it. The sudden shock of having somebody today and not tomorrow is quite a thing to adjust to.

In my 31 years of public life as an elected official I have talked to a lot of families that have suffered these kinds of losses, and in many cases some of them were very close friends of mine; some were acquaintances. In a rural constituency such as mine you tend to know almost everybody, so when there's a tragedy like that, you are well aware of it. In most of those cases people are looking for some reason behind this. They're trying to make sense of this loss. In many cases they think: well, you know, I just don't feel comfortable having my child being involved in this, especially if there is some blame assessed because they went through a stop sign or whatever.

There's always some reason to go to government and try to make things better, like put up another stop sign or put up another set of speed bumps. I've even been told: instead of the speed ridges, they should be speed bumps like in a mall. You know, at about 40 clicks you'd probably be launched and go right over the whole intersection or end up in the ditch. People don't look at the unintended consequences of their proposed solutions, and there are unintended consequences no matter how good it is.

People in the middle of the day still continue to drive into trains, in front of trucks, drive too fast for the condition of the road. Some people drive with medical conditions when they're told not to. Even when the doctor has advised that registry or Transportation should take their licence away, they drive anyway. I had someone tell me just a week ago: sure glad we're getting rid of you because you took my husband's licence away, but we drove for the last 10 years anyway. I explained: "Well, I didn't take your husband's licence away. I don't have that authority. Neither can I

give it back." But there was no convincing her. I took her husband's licence away, in her mind, and she's very angry about it. And they drove for 10 years anyway. It was a medical condition that could have caused serious damage or death to themselves plus anybody else on the road at the time.

I've also been told that some people have sleep disorders where they just fall asleep during a discussion or if they get bored with it and possibly while they're driving. If they don't report that to a doctor, you know, they continue to drive. I've encountered a number of seniors where it's a very traumatic thing when their licence is taken away from them and they're told they can't drive anymore. The one fellow was trying to get me to get him his licence back. I said, "Well, I can't do that, but I'd be happy to give you a ride home" because he was at the coffee shop. He said: "You don't need to do that." I said: "Well, how did you get here?" He said: "Well, I just got a new truck." So he was driving anyway and creating a danger to himself and others on the road.

I'm wondering. If we can use the confiscation for three days for an offence for this particular .05 to .08 and that's going to get people's attention, why wouldn't it get people's attention for speeding? A good many of us drive highway 2 or other busy highways. If I asked for a show of hands on how many drive 110 kilometres an hour in a 110-kilometre an hour zone, I probably wouldn't get much uptake in honest answers. People are speeding probably 10, 20, maybe 30 kilometres an hour over.

We know speed kills. It was even mentioned, I believe, by the Minister of Transportation that most of the accidents are in rural Alberta. Of course they would be. It's not because rural Albertans drive any much differently than urban Albertans, but whether you're an urban or a rural Albertan, you drive the highways, and the highways have much higher speed limits. A sudden stop at high speeds kills people. We all know that people drive too fast. We should try to get their attention.

Distracted driving: the same. I was going to a funeral in Red Deer on Friday, and between Olds and Red Deer a third tractor-trailer unit was in the meridian. A police car had signalled everybody to get in the right-hand lane to get by this so they could do their work. Black ice and very windy conditions: it was very slippery. Well, one guy decided he would try to get ahead of the lineup. So he pulls out back about a quarter of a mile, charges up, and is taking a video of the accident scene with his BlackBerry, going too fast, and he almost hit the police car. He just got stopped before he did that. I guess that would be distracted driving, driving too fast for the conditions, a number of factors. Usually, when there's a death, it can be a number of factors, not just one.

Now we get back to families wanting us to do something. They always want us to do something to make it better. Once we do something, I don't know if they feel it takes the blame away from their family member that was involved in it, that went through an intersection and T-boned somebody and killed them in the middle of the day with no alcohol involved, or what. I don't know. If we put a four-way stop or an overpass at every intersection where a fatal accident was caused, I don't think the coffers of the province could handle that, nor would it do anything but slow traffic down to a crawl.

I tabled earlier today the report Alcohol-Crash Problem in Canada, 2008. That report was finished in December of last year, so I would suspect it's one of the most recent reports that's out. It's a national report. I'm not sure if the ministries that are defending this bill have had an opportunity to study it or if their experts have looked at it. It's 225 pages, and I haven't had a chance to get through it all, but certain things have been said and certain statistics have been stated to support this bill.

There are some interesting things in this particular report. For instance, it's been said by the B.C. government that in the first seven months of their legislation fatal accidents involving alcohol were reduced by 45 per cent. I think last week the minister extrapolated that to a year, had some more recent stats that said that it was 40 per cent over the year. I'm not sure why B.C. published seven months. Probably they were more favourable statistics to back up their legislation and claim success over that.

It's interesting to note that in the report I tabled today, actually – and if you haven't got a copy of it, you can make notes; on page 54 there's a graph for British Columbia between '95 and 2007 – deaths involving a drinking driver were on the decline. It went from a high of 149 to a low of 125, which is a 16 to 17 per cent reduction right there. That was, basically, in one year. If you go from the absolute high to the absolute low, instead of 149 to 125, it's 160 to 125. So you'd have just over a 20 per cent reduction. If those were the same numbers when B.C. was claiming the 30 per cent, there's 20 per cent right there.

7:40

It was also argued by someone that there were job losses of 21 per cent in the hospitality industry in British Columbia as a result of this legislation. I believe it was the Minister of Justice that said that you can't really attribute all of those job losses to the legislation because it was a post-Olympic year. Well, would it be fair to attribute the total reduction in deaths due to alcohol in a post-Olympic year when the Olympic year was probably the biggest international party this country has hosted since the '88 Olympics? So there are a number of factors that I would contest when people are saying that there's a 40 per cent reduction in deaths over the course of the year attributed solely to this legislation.

It's interesting to note also in the report that nationally 86.7 per cent of drivers in fatal accidents are tested for blood-alcohol content. Provincially in Alberta it's 96.8 per cent, 10.1 per cent more. You would think that by Alberta testing more than the national average, our numbers would probably be relatively higher. Just for interest's sake, B.C., when I looked it up in the report, is at 87 per cent. So they're pretty close to the national average.

What does this all break down to? Well, among those fatally injured drivers who were tested, 61.3 per cent showed no evidence of alcohol. That leaves 38.7 per cent that had been drinking. Of those that had been drinking, 3.6 per cent had a blood-alcohol level of .01 to .049 – you can write this down if you want to; it's easier to look at – 2.2 per cent had a blood alcohol of .05 to .08; 10.3 per cent had a blood alcohol of .081 to .16; and over .16, 22.6 per cent. By far the over .08 and over .16 are the greatest numbers. But we continue to hear that we're going after the high-risk group. Looking at these numbers, .05 to .08 is the lowest risk group.

Nationally no evidence of alcohol is 61.3; in Alberta it's 61.1. So it's pretty close to the same. Nationally in the .01 to .049, 3.6 per cent compares to Alberta's 3.4 per cent, a .2 per cent difference. From .05 to .08: the province of Alberta is 2.3 per cent compared nationally to 2.2. But in Alberta over .08 is 11.7 per cent, which is a bit higher than 10.3. In the highest category of .16 we're at 21.8 per cent compared nationally to 22.6, so we're under there. I have a hard time believing that going after the 2.3 per cent that constitutes the .05 to .08 is going to have a tremendous effect on the outcomes that are being stated about this bill.

If you look at Alberta's figures on page 70 of that report that I tabled, there's another graph that shows between '95 and 2008, similar to B.C., a decline in fatalities – you could draw a line across the top, and there have been ups and downs just like B.C. –

a decline trending right throughout that whole particular time, with the odd spike up in one or two years and, of course, some spikes down as well. I'm not sure what that is, but I don't think it can be attributed to any legislation here because we didn't have any.

The 45 per cent over the seven months that B.C. claimed amounted to 30 fatalities. This graph shows that in Alberta we've seen drops of, actually, 57 in a time period from one year to the next and no legislation to attribute that to. Basically, the last 10, 15 years both B.C. and Alberta fatal injury accidents have been in decline in a general sense.

The unintended consequences of this I'm starting to hear more and more about, the job losses, as I've already stated, but another one – and I know my time is running out here. I did receive one that was in favour of the bill, but he was in favour for a number of reasons. Primarily, it would increase his business in the towing business. He was concerned for the towing companies. The Alberta government is not paying the rates that they were, the same rates that they were for 25 years. A lot of these old junkers aren't being claimed because the charges are more than they're worth, leaving the tow truck drivers holding the bag for some money. They figure the best thing to do with some of these cars is just abandon them and let the province worry about them because they're not paying the rates. If this bill passes, I can probably expect to hear from that industry saying that we need to adjust the rates up, so there would be some increased costs going on there.

There are just too many questions, Mr. Chairman, and too little time to study all of this. I mean, we've been going quite late, and I understand there is time allocation on this bill introduced today, so there's only another hour after tonight to discuss this. I don't think this bill is near close enough.

A lot of my constituents – it went from 94 per cent a week ago to 98 per cent opposed to this bill – feel that they haven't had enough time. The Minister of Transportation said that three ministries have been working on this for four years. I'm amazed that in those four years somebody didn't come up with the idea of doing a public consultation so that our hospitality industry could have some input into this and maybe the tow truck drivers and everybody else that this might affect.

With that, I see my time is getting pretty close to being up. I'll take my seat and maybe speak again. In closing, in case I don't, I won't be supporting this bill.

The Deputy Chair: Thank you, hon. member.

I have the hon. Member for Edmonton-Riverview, followed by Calgary-Lougheed, followed by Calgary-McCall, followed by the Solicitor General and Minister of Public Security, followed by the hon. Member for Calgary-Fish Creek.

Dr. Taft: Thanks, Mr. Chairman. I appreciate the debate this bill has had in this Assembly, including the comments we just heard from the Member for Olds-Didsbury-Mountain View.

Some Hon. Members: Three Hills.

Dr. Taft: Olds-Didsbury-Three Hills, which contains the county of Mountain View – isn't that right? – or the municipality of Mountain View. [interjections] Anyway, I won't waste time on that.

7:50

This bill has received pretty good debate, and actually there has been some good discussion. I think we all recognize there are legitimate issues in play here. I think a lot of the concerns come

back to the rush with which the government is pushing this legislation through. It was introduced two weeks ago today, I believe, and, you know, it's going to be the law, by all likelihood, the day after tomorrow. In our view, that is too rapid a process for good legislation to be brought through.

There are all kinds of people and groups that need to be consulted. We think there's a risk of legal issues cropping up with this, and we saw that risk played out in B.C. just last week. So we are concerned, Mr. Chairman, that while the spirit or the intent of this bill is good, when it's put through this quickly, mistakes are going to be made. Our preference would be that the bill be referred to a legislative committee, that consultation with all the stakeholders would occur in a proper manner, and that it would come back next spring tweaked and adjusted to address those concerns and also, frankly, to allow public consensus to develop around the issues in this bill.

We saw that process play out over a number of years concerning the distracted driving/cellphone legislation. That legislation ultimately got implemented and, as far as I can tell, has been implemented quite successfully, but that's because the public had time to get onboard and to understand it. We haven't had that process here.

Recognizing that this legislation is very likely to go forward, I am moving an amendment on behalf of the Member for Edmonton-Centre that is intended to help this legislation withstand a Charter challenge should it come down to that. I would like to propose an amendment, Mr. Chairman. I've got copies here, which we shall distribute, and I'll give a moment for the pages to do that. Thank you.

I'm glad to see that the Justice minister and the Transportation minister are here because we would like to co-ordinate with them on the issues that we're trying to address through this amendment. I'll just wait a moment, Mr. Chairman.

The Deputy Chair: Thank you. We'll get the pages to circulate this.

Just while they're circulating it, I see we have some guests in the gallery. I'll just tell you that we are now in between two stages of debate. Between second reading and third reading there is an informal session, so to speak, called Committee of the Whole, during which time members are allowed to sit in other members' chairs and talk with other members. They are enjoying a cup of coffee perhaps or something else.

While those are being distributed, might we revert to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

The Deputy Chair: You have the approval to revert and do some introductions with the agreement of the hon. Member for Edmonton-Riverview. Is that all right with you, sir?

Dr. Taft: Yes. Thank you.

The Deputy Chair: Okay. Proceed while we're distributing the amendment.

Mr. Anderson: Thank you, Mr. Chair. I want to introduce to you and through you to members of this Assembly a great Edmontonian, Mr. Ian Crawford, who is running for the Wildrose Party in Edmonton-Whitemud. I'm sure he'll give that MLA all that he can handle. If we could all give him the warm welcome of this Assembly, that would be great.

Thanks.

The Deputy Chair: Thank you very much, and thank you, members, and thank you, hon. Member for Edmonton-Riverview.

Bill 26

Traffic Safety Amendment Act, 2011

(continued)

The Deputy Chair: I believe everyone has a copy of the amendment as presented by the Member for Edmonton-Riverview, and we will refer to this as amendment A3.

Proceed, hon. member.

Dr. Taft: Thank you. I just want to check, Mr. Chairman, that I didn't lose three or four minutes in that process.

The Deputy Chair: No. You still have over 17 minutes.

Dr. Taft: Is that all? Okay. I'll try to limit myself.

All right. One of the concerns with Bill 26 that has been raised is that it's open to various legal challenges, whether that's due to overlaps with federal jurisdiction in the Criminal Code or whether it's due to other concerns such as those around delayed or slow administration of justice. Canadians do have the right to a reasonably timely access to justice.

This amendment is proposed in the most constructive spirit possible. I'll just give you a little background on it, but first I'd better read the amendment into the record, Mr. Chairman. I am doing this on behalf of the Member for Edmonton-Centre, who will move that Bill 26, the Traffic Safety Amendment Act, 2011, be amended in section 12 in the proposed section 88.1 by (a) in subsection (3) adding "or until the expiration of a period of 18 months, whichever is earlier, subject to an extension under subsection (5)" after "subsection 2(a)" wherever it occurs – we will explain to you in a minute what this means – and secondly, (b), by adding the following after subsection (4):

(5) The Registrar may extend a disqualification or suspension under this section by periods of one year or less, but a disqualification or suspension shall not

(a) exceed 54 months, or

(b) extend beyond the time of the disposition of the criminal charge.

That, Mr. Chairman, is the proposed amendment.

Now, I would ask particularly the Minister of Transportation and, I guess, the Minister of Justice just to listen to my comments carefully because this amendment was developed, as I said earlier, in a spirit of improving the drafted bill and helping it withstand what could easily be some legal challenges. This amendment changes the way administrative licence suspensions and disqualifications are implemented for drivers found to be operating a motor vehicle with a blood-alcohol content where criminal charges are laid; that is, above .08.

The current bill proposes an indefinite suspension until criminal charges are disposed of, and we think, Mr. Chairman, that that could be a problem because an indefinite suspension is indefinite. It could go on for years and years and years while other issues are being played out. That could mean all kinds of implications for somebody who in the end is found innocent. One of the things that the courts in Canada have ruled is that Canadians have a right to reasonably timely administration of justice.

This amendment seeks to change that indefinite suspension to a definite period, that of 18 months. I think it's very important for the Transportation minister and the Justice minister to note that 18 months can be extended for three additional years by application of the registrar. As in the bill, the initial suspension can be appealed to the board. In addition to that, however, extensions can

be appealed as well. So there are appeal mechanisms in this, which are also important, I believe, for pre-empting legal challenges. If a law is applied and there is no appeal process, then the courts are, I understand, inclined to say: "Well, that's not a very good law. Everybody has a right to at least one appeal."

As in the law, the suspension ends automatically when the driver is found either guilty or innocent of the criminal charge. In the amendment the definite time period of the suspension and the allowance of additional appeals upon extension both seek – and again I draw the Minister of Justice's attention to this – to decrease the likelihood of a successful Charter challenge on the basis of the law straying into the jurisdiction of criminal law and on the basis of arbitrariness.

I just want to comment briefly on the issues of drifting into or straying into the jurisdiction of criminal law, which is not the jurisdiction of this Assembly. If we pass through this Legislature a law that is seen to have criminal-like penalties without the basis of the Criminal Code, then we are likely overstepping our jurisdiction, and the courts will rule against us.

Last week the opposition caucus proposed a similar amendment, but it was defeated. In the interim there have been some discussions between our caucus and the government ministers responsible for this bill. I'm not sure that they've been convinced of the wisdom of this amendment, but we'll find out in a minute, when we vote on this. The Assembly, as we all know, cannot consider the same amendment twice, so on the advice of Parliamentary Council this new amendment, which I've just introduced, seeks to implement a similar procedure through different and, we think, better means.

8:00

Just some quick points, and then I'll take my seat. The amendment replaces indefinite licence suspensions for people charged criminally with 18-month suspensions, extendable to a maximum of four and a half years. We think it's important that the indefinite suspensions be given some definite definition or else they run the risk of being challenged in the courts.

Again, another quick point. It allows for new appeals to the board after 18 months and in one-year increments following.

Finally, it attempts to make the proposed bill more compliant with the Charter of Rights. Our position and our advice is that indefinite suspensions could both be considered arbitrary and an intrusion on the federal jurisdiction of criminal law.

That all sounded pretty technical, and I'm not a lawyer, Mr. Chairman. That probably shows since there are a couple of lawyers in the Assembly, more than that, actually. But I can tell you that the intent here is to make this a more effective piece of legislation. There have been times historically when this Assembly has passed legislation that has been challenged under the Charter and has lost. There's no point in that. Agree with a bill or not, there's no point in passing legislation that runs a significant risk of getting shot down by the Supreme Court.

With those comments, Mr. Chairman, I shall take my seat and see where the debate goes. Thank you.

The Deputy Chair: Are there any other speakers on amendment A3? The hon. Member for Calgary-Varsity, please.

Mr. Chase: Thank you very much, Mr. Chair, for this opportunity to speak. Just as it takes a fair amount of gumption to follow the hon. Member for Edmonton-Centre, the same could be applied to following the astute Member for Edmonton-Riverview, but I will do my best and attempt not to repeat.

The axis, or central point, of this amendment has to do with, as the hon. member mentioned, the length of suspension. To refresh people's minds, it (a) amends subsection (3) by adding "or until the expiration of a period of 18 months, whichever is earlier, subject to an extension under subsection (5)" after subsection 2(a), wherever it occurs. In other words, as the hon. Member for Edmonton-Riverview so eloquently pointed out, there has to be a timeline for this extension. It cannot just run ad infinitum. There has to be a recognition.

Within subset (b) by adding the following after subsection (4):

- (5) The Registrar may extend a disqualification or suspension under this section by periods of one year or less, but a disqualification or suspension shall not
- (a) exceed 54 months, or
 - (b) extend beyond the time of the disposition of the criminal charge.

Now, one of the unfortunate circumstances about justice in Alberta is the old axiom: justice delayed is justice denied. Granted, for a person that would potentially be caught under Bill 26, Traffic Safety Amendment, 2011, they could be caught at a .05 level. They could then have their licence suspended for a particular day, and then as the bill now reads, they could again at some later point have their licence and vehicle suspended. The more frequently – you'd think they'd eventually get the message – this occurs, the worse their case gets, and the due process of the law may not occur for some time. Though the person wasn't impaired technically speaking, they did blow over the .05 category.

It's that concern that the amendment, moved on behalf of the hon. Member for Edmonton-Centre by the hon. Member for Edmonton-Riverview, has tried to point out. There have to be limits. Mr. Chair, I'm hoping that the government can see the wisdom of the limits. The hon. Member for Edmonton-Riverview has already pointed out that B.C. ran into trouble with their similar bill, that the Alberta government has basically cloned and is hoping not to face the same challenges. Instead of being concerned about those challenges, if this amendment were to be adopted, the court, I think, would look on it more favourably because a definite period of time would be set out in law. Anything that improves the law and sets precedents for judges to work from, I think is to the benefit not only of the justice system but to the Albertans charged, who should not have to wait forever for their cases to be heard, particularly in a .05 scenario.

As has been pointed out, and without further adieu, Mr. Chair, I believe this is what I would consider a friendly amendment to strengthen the intention of Bill 26, which is to save Albertans' lives.

Thank you very much, Mr. Chair, for this opportunity to speak on behalf of the amendment. I'm hoping that this House will see its intent and support it.

The Deputy Chair: Thank you.

Are there any other members who wish to speak to amendment A3 as brought forward by the Member for Edmonton-Riverview on behalf of the Member for Edmonton-Centre? The hon. Minister of Justice.

Mr. Olson: Thank you, Mr. Chair. I do appreciate the opportunity to make a few comments in response to this amendment. I want to first of all thank the members opposite for their diligence in preparing this. It's obvious that they've given it some time, but I'm sorry to say that I still have some difficulty with it.

This will just be a brief few comments. I want to say that the sanctions that we are taking here are related to traffic safety, and

they are administrative. They are not criminal in their nature, and these are not intended to be penalties. We are tying the licensing to the determination of whether or not a criminal offence has been committed because that's the way we determine whether or not, ultimately, the person who is being charged is a safety risk on our highways.

It's not a lot different, though, I wouldn't think, than other examples of people who commit offences and end up, perhaps, in jail for a time. Again, we're talking only about criminal offences here. We're not talking about anything to do with under .08. We're only talking about over .08, which is a serious criminal offence. This isn't specifically addressing the amendment but generally to this debate. We feel as though sometimes the criminal offence of drinking and driving, the over .08, isn't taken as seriously as some other criminal offences even though it is the most prevalent cause of criminal death in Alberta.

As to the amendment itself I just want to stress that we are not talking about a punishment. We are talking about withdrawing the right to drive, which is clearly provincial responsibility. If a person has been charged with a very serious criminal offence, then the province of Alberta has the right to withdraw that privilege of driving until there has been an ultimate determination of whether or not this person has proven that they are not a risk on the highway.

This is all about traffic safety. That's really all I have to say on this amendment. Thank you.

8:10

The Deputy Chair: Thank you, hon. minister.

Are there other comments to amendment A3? The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Chair. I guess, first of all, I want to thank the Member for Olds-Didsbury-Three Hills for speaking in regard to Bill 26, the Alberta Traffic Safety Amendment Act, 2011. I think, quite frankly, it was a pleasure to hear him speaking on what truly his bosses, as the member for Fort McMurray-Wood Buffalo always refers to his constituents, are saying. Obviously, he gets it. He's been listening to what people have to tell him and what his constituency has to tell him. It sounds like he's done as much research, quite frankly, as we have on this bill. It was quite refreshing to finally have someone wake up over there and speak from their heart and speak on behalf of their constituents. Seriously, Member, I really have a lot of respect for you for having the courage to speak up. I know the Education minister is making a few sounds, so I'm sure he's going to stand up and speak on behalf of his constituents. I look forward to hearing what he has to say.

On that, I'm going to speak. I see your hand signal. You know, Chair, you've only been in that chair – what? – maybe two weeks now, but you're doing fairly well. One of the things about being hearing impaired is that hearing impaired people tend to learn a lot of sign language, and they learn very quickly. So I get this. I'll have to teach you some more of the sign language I've learned as I've lost my hearing. I appreciate that you and I can communicate that way because if you were speaking to me, I probably couldn't hear you.

On the amendment, I guess. I listened to the Justice minister, and I was listening to him very intently. I still get confused, quite frankly, when I hear the government speak because they talk about the Criminal Code, that we're all very well aware of. I mean, I sat in the Solicitor General's chair for four years, and I know what's included in the Criminal Code. I know that impaired driving is a

Criminal Code offence. I'm also well aware under provincial legislation of what can be considered a provincial offence.

I have spoken already in this Legislature in regard to the Protection of Children Involved in Prostitution Act, that I brought forward, and we had the charges under the Criminal Code but also had the ability to make charges under the provincial legislation. The police would go in, and they'd weigh what they thought they'd get the charge under. If it was under a Criminal Code offence – which, obviously, they wanted because then you have a criminal record versus under a provincial charge, where you don't have a record.

In reading what the member has brought forward, she's talked about section 88.1 of Bill 26, which I've read, and she talks about subsection (3), where she wants to add, "or until the expiration of a period of 18 months, whichever is earlier, subject to an extension under subsection (5)" after subsection 2(a) wherever it occurs.

Legislation can be quite confusing, and we tend to complicate a lot of things. I'm trying to figure out exactly what the Justice minister was saying when he was responding to the amendment. I still don't quite understand what he was trying to say. He talked a bit about going back to the bill and trying to again tell everybody the difference here between a Criminal Code and an administrative code. I'm still trying to understand from the Justice minister, or even the Minister of Transportation can speak up – yes, the Minister of Transportation is the one that's responsible for Bill 26 – on what exactly he does not like about this particular amendment. Is there some confusion where he thinks this is confused between the Criminal Code and what they're trying to do on a provincial level?

Then it goes on by adding after subsection (4):

- (5) the Registrar may extend a disqualification or suspension under this section by periods of one year or less, but a disqualification or suspension shall not
 - (a) exceed 54 months, or
 - (b) extend beyond the time of the disposition of the criminal charge.

I guess what I need to understand, Mr. Chair, is why the government doesn't like this particular piece of legislation, why they don't support amendment A3. I know the Justice minister is a lawyer. I know the Solicitor General is a lawyer. I'm not a lawyer, so I would really like, actually, for either of them or the Minister of Transportation – he stood in this Legislature a couple of times throwing figures back and forth in regard to all of the 24-hour suspensions they've done in regard to the legislation. I'm going to be asking him more questions about that, when they have somebody's licence suspended for 24 hours. He reeled out a lot of numbers, so I'm going to be speaking to him to get some answers on that.

If I could, Mr. Chair, I'd really like to hear from the Justice minister or the Solicitor General or the Minister of Transportation what they specifically don't like about this amendment.

The Deputy Chair: Thank you, hon. member.

Would you like to respond, hon. Minister of Justice, and we'll come back to you in a moment.

Mr. Olson: Thank you. I'll try to be a little more clear this time. My apologies if I didn't make myself well understood. What's important to reinforce over and over and over again is that this is an administrative action taken to withdraw the right to drive. That's something that's clearly within provincial responsibility. If you think about it, it's also important that that administrative action be tied to something like the outcome of a criminal trial. If

we disengage it from that, so now you've just got some sort of suspension, then maybe you are getting closer to something that looks like a criminal sanction.

This is not a criminal sanction. This is the withdrawal of a licence that the province has the right to give and to take away. It's a question of traffic safety. That's the reason why I don't feel that I can support this. I acknowledge the rationale that went into the amendment, but I don't think that I can support it for the reasons I've given. I think it's very important that we make it clear that this withdrawal of the right to drive will be tied to something.

The other thing I would just mention is that if this amendment did pass, I'm not really clear on what terms or criteria the traffic safety board would use to decide: should it be extended or should it be shortened? Where would the criteria be? That's another thing that I have a problem with in this amendment.

The Deputy Chair: Thank you.

Hon. members, we are debating amendment A3 to the Traffic Safety Amendment Act. I don't have any other speakers on the amendment. Are you ready for the question?

Hon. Members: Question.

[Motion on amendment A3 lost]

The Deputy Chair: We're back to the main discussion at committee stage. I have the hon. Member for Calgary-Lougheed next on my list.

Proceed, hon. member.

8:20

Mr. Rodney: Thank you very much, Mr. Chair. It is indeed an honour to rise tonight to speak to Bill 26, the Traffic Safety Amendment Act. I have to tell you that I'm very pleased this bill is being debated, and in certain ways – and my family understands this – I've been waiting for more than half my life to make this short speech, since my cousin died in a car crash. I'm equally pleased with the quality of the discussions that we've had so far, from first to second reading and now Committee of the Whole.

Mr. Chair, I'd first like to reiterate that the fundamental purpose of this bill is plain, and it's simple. It is to save the lives of Albertans. Like most people across this province I've known far too many people who've died in car accidents due to drinking and driving, and I want that to stop. My constituents share this feeling. Many of them tell me that the so-called silent majority want this legislation, and they want it to have teeth. They want it to have a focus encouraging greater personal responsibility behind the wheel. If members or those out in the public were to google YouTube and Your Alberta, they would find a number of short videos from Albertans, impaired driving stakeholders, that give short testimonials on how this bill will positively affect Albertans' behaviour and ultimately save lives and families. If you think my language is or will be colourful, wait until you see some of those.

These people and my constituents and others have been telling me for a long, long time that certain progress has been made in recent years in this regard, and it's somewhat encouraging. But they tell me that more must be done, and they tell me that a little slap on the wrist is not enough. They know that last year alone there were at least 96 deaths – at least 96 deaths – and 1,384 injuries or more caused by impaired drivers on Alberta roads. Even detractors to the bill, I'm sure, will not counter this.

Mr. Chairman, these numbers alone, to me, indicate that the need to change this behaviour is obvious. It's very clear. Arguments about how this might negatively affect business simply don't hold a candle to this, and I dare say that they're not true.

The second point I'd like to make is that Alberta is not changing the level at which criminal sanctions will be applied as defined in the federal Criminal Code. The legal blood-alcohol content threshold remains at .08. Instead, Mr. Chair, we're strengthening our penalties for drivers who exceed these limits, but we also want Alberta drivers to keep the .05 blood-alcohol rate in mind before they make the decision to drive. In fact, we want them to remember that a .05 blood-alcohol rate is scientifically proven to be unsafe. People are impaired at that point.

Now, this is nothing new. Alberta already has administrative sanctions in place for drivers who fall in the .05 to .08 range. For example, Alberta currently can suspend for a 24-hour period drivers who are suspected of being under the influence. Just as society evolves, so does research, and we know that a driver, in fact, is impaired at .05, as I've mentioned.

Now, having chaired AADAC in the past, as you have, Mr. Chair, we know this is not new information. We're simply adjusting our approach based on evidence that impaired driving remains a serious, persistent problem for our citizens. Based on this evidence, the province is simply adapting and doing what it can to meet the safety standards that our friends and neighbours in Alberta want and deserve. Therefore, using the same example, the new rules would specify increasing sanctions such as a three-day licence suspension and a three-day vehicle seizure for a first offence.

Mr. Chairman, these are some of those teeth that I was referring to that Albertans have been asking me to ask this House to have this legislation enact. I hope and they hope that this will encourage more Albertans to not just be aware. That's not enough. They need to alter their driving habits for each and every one of us and all of our loved ones.

Mr. Chairman, our province is not unique in strengthening traffic safety standards. In fact, I hate to say it, but once again we're close to last when it comes to adopting such legislation. We're proud to be a leader in so many respects, but sadly this is not one of them. I can refer to laws in Ontario and B.C. and Saskatchewan as just three examples. As a matter of fact, Saskatchewan has implemented an even lower sanctionable rate of .04, and many countries around the world have even more strict rules in place, as our Minister of Justice outlined very well in second reading. Many of my constituents have read his speech. They were on the nay side; now they are completely on the yea side. Study after study in jurisdictions around the planet have demonstrated that no single approach – no single approach – to addressing impaired driving is as effective as a multifaceted approach such as the one that we're now considering.

Colleagues, we all know that this may be threatening for some Albertans right now. In the past our legislation involving things like smoke-free places, seat belts, distracted driving – there are more – were threatening for certain citizens as well, but over time our citizens have come to recognize that in each case legislation was extremely important, and it saved lives. In each case it has simply become part of our daily reality.

Mr. Chair, Bill 26 is designed to and will save lives. It will require a small culture shift, but it's well worth it. I truly believe Albertans are ready for this. I'm sure they don't want even one more person to die on Alberta roads due to drinking and driving either, and they know, as we do, that this is 100 per cent avoidable. This is just one of the reasons that I will vote strongly in favour of this legislation, and I encourage everyone in this Assembly to join me in voting yes to this. I trust colleagues will not be afraid of this legislation. I trust Albertans will not be afraid. Instead, I trust they'll be proud of it, and I believe that in the test

of time they will be. I know that our kids already are, and they're waiting for us to do the right thing.

Thank you, Mr. Chair.

The Deputy Chair: Thank you.

The hon. Solicitor General and minister responsible for Public Security.

Mr. Denis: Thank you very much, Mr. Chair. It's a pleasure to rise and join the debate on Bill 26 in Committee of the Whole, particularly as this is my first speech in the House as Solicitor General. As we are in Committee of the Whole, I'm going to focus most of my comments on just dealing with amendment section 11, which is 87.1 as well as 88, and that deals with the .05 legislation.

Before I do that, though, I do want to share with this House some stories that I have received about drunk driving. The Member for Calgary-Lougheed mentioned earlier that last year 96 deaths and 1,384 injuries on Alberta's roads involved drunk drivers. I would challenge everyone in this Assembly to ask around, and I'm sure everybody has. I want to thank the past speakers from the Liberals, the NDP, and the Wildrose as well as from the government caucus. One of the things in this that I was most shocked by is the number of people who have been affected by drunk driving. I put this on my Facebook and my Twitter. I asked around. That's why I was talking about .05 as well.

I just want to share a couple of stories as they deal with this. We all know about statistics, but it puts a human side on it. I was contacted by a gentleman named Mike, who is a restaurant owner in Calgary. He was driving in downtown Calgary on June 8, 2009, right by the courthouse, ironically. A driver ran a red light. He swerved to miss him and in doing so, he crashed into the pillars right in front of the courthouse. The drunk driver took off. The police later apprehended the driver. Not only was he driving under the influence, but they found that this was the driver's second offence of driving drunk, which is particularly of relevance in dealing with the section on escalating penalties in this bill.

Mike was left with many injuries – broken shoulder, cheek, wrists – and is still in treatment to this day. Interestingly enough, Mike operates a restaurant. When I spoke to him about this legislation, I thought he was calling about a negative reaction to one of the particular sections here, but he was actually in favour of it.

The second story comes right from my own staff, my administrative assistant, Shannon Clarke. On Christmas Eve 2001 she was stopped at a red light at 105th Street and 97th Avenue in Edmonton. Suddenly, without any warning, she was rear-ended. The cops later estimated that the person hit her at 50 to 60 kilometres per hour. The vehicle was so badly damaged that she had to crawl out of the window. Back at the police station it was apparent the driver, unfortunately, had been drinking although the amount of alcohol in his system was not determined. Shannon suffered severe muscular injuries, TMJ issues, and to this day has pain in her knees as a result of the accident.

8:30

Now, Mr. Chair, the third and final story I'll mention was also on Christmas Eve but in 1997. When I was driving from Calgary to Regina just across the Saskatchewan border on highway 1 – it used to be two lanes – right by Piapot, incidentally, close to our family's homestead, I saw a driver trying to pass me. I quickly saw that there wasn't enough time to do so. I pulled over, but the driver hit the oncoming vehicle head-on at full highway speed. After I crossed highway 1 on foot, I noticed that there were many beer cans. I remember it was Extra Old Stock beer. I felt the

bottom of one of them, and it was moist. Clearly, this driver had been drinking. Later the RCs called me and told me that the driver received six months in jail for drunk driving.

Now, I've also received information. Randy Shapiro has sent me an e-mail regarding his drunk-driving issue. My seamstress, Renee, has as well. I won't belabour the point, but the point is that there were three different people – one in Calgary, one in Edmonton, and one in a rural area – all affected by drunk driving, which is what this bill seeks to address.

These are on top of the single and often multiple fatalities related to drunk driving. Many families and friends are all too familiar with recent crashes in Grande Prairie and Calgary and this past weekend in Beaumont, where alcohol is believed to be a factor. Three young men are dead, and perhaps all too telling, the RCMP stopped another impaired driver while dealing with this particular incident.

Where does this take us, Mr. Chair? I would say again that what we need is a made-in-Alberta solution. We need a rather thoughtful, proactive, and preventative approach to changing behaviour. I don't think that it's necessary to impose fines like other provinces have. It's not a money-raising issue, and nowhere do you find that in the bill. This is a traffic safety issue. This is about changing driver behaviour for the better, as the Member for Calgary-Lougheed noted as well. It's a balance between enforcement and education. It's about making our roads safer and targeting high-risk groups such as repeat offenders and new drivers.

It's very important to note that our current legislation, section 89 of the Traffic Safety Act, allows for 24-hour suspensions, actually, at any levels, but every police district which I spoke to indicated to me that they only enforce this above .05. The limits would remain at .05 and .08.

At this time I just wanted to share a couple of thoughts. The .05 legislation is not something that is new or is really, really out there at all. Australia has .05. France has .05. Germany has .05. Greece has .05. Italy has .05. Japan has .03, even; Norway .02; and Poland .02. I just wanted to mention that as well.

We had three different ministries working on this one. I want to assure this Assembly that none of these sections here represent a knee-jerk reaction. This is in response to, unfortunately, persistently high levels of drunk-driving fatalities and injuries in this province. Police, in fact, are enforcing the existing laws, but the current penalties that they have are simply not working. To those who have said that police are not enforcing existing laws, the Minister of Transportation has pointed out 42,000 24-hour suspensions in the last five years. In addition, an article from the *Calgary Sun* this weekend quotes RCMP Sergeant Tim Taniguchi – I hope I got the name right – who says that one 1 out of 22 drivers on the roads at night is impaired. That is quite a telling statement as well.

The new driver with any alcohol under this new section will get a 30-day licence suspension and a seven-day vehicle seizure. It's particularly important to note that most new drivers are under 18. I was 16 when I got my driver's licence. At that time I was not legally allowed to consume alcohol anyway. That still is the case, and that is addressed in the sections of the bill. People who blow between .05 and .08: they'll get a three-day licence suspension and a three-day vehicle seizure.

What's more important here, Mr. Chair: it will deal with the fact that currently we do not have any escalating penalties whatsoever. A person can get a 24-hour suspension on Monday, on Wednesday, on Friday. I'd be willing to bet that out of those 42,000 24-hour suspensions, many are repeat suspensions. Under the new legislation there is an escalation in the penalties as well.

Many people have said that we should target people well over .08. I'd say that I'd have to agree with that. The legislation brings in ignition locks, which is the interlock system mandatory even for first offenders over .08, and the licence suspensions that remain until criminal charges are resolved. It also involves education and planning ahead and impact courses.

Mr. Chair, Alberta's traffic sheriffs, which fall under my department, will support the legislation. They will be able to use roadside alcohol screening devices. They will be able to take readings while waiting for the police to arrive. They will issue sanctions for people in the .05 to .08 range. This type of co-ordinated law enforcement and integrated peace officer service will help make enforcement more effective.

Now, some critics have said that the proposal gives the police too much power, and that is a valid consideration. We don't want to make the police judge, jury, and executioner. That's not the case. In this system everyone has the right to challenge the results. You can ask for a second test right back at the police station. There is also an appeal process to the Alberta Transportation Safety Board. This is a fully independent and quasi-judicial body. The police already give out tickets at the roadside for things such as speeding. And, yes, I may have received a couple of those in my life.

We can also already issue immediate suspensions and readings from scientifically approved devices. Officers train in accordance with the alcohol testing committee and the Alberta breath test committee and use devices that are rigorously checked, maintained, and recalibrated. They already use devices that convict drunk drivers.

B.C.'s appeal process or lack thereof has been criticized. We shall deal with it in a bit, but Alberta's legislation is not modelled after B.C.'s. We have a made-in-Alberta piece of legislation here as well. There was an article, actually, two weeks ago by Robert Remington, in the *Calgary Herald*, which indicates about an appeal process – and I'll just quote from the article briefly.

Albertans who have been given roadside suspensions can appeal to the Traffic Safety Board, a quasi-judicial body with members chosen through a qualification process and governed by a code of conduct. If a suspension is overturned, any fines, fees, towing, or impoundment costs must be returned. At the roadside, drivers can also request a second test or demand a breathalyzer. At the appeal board, they can demand proof of accuracy and certification of hand-held testing devices.

None of these provisions were in the B.C. legislation.

Critics often say that people can't enjoy a drink with a meal or after work before driving. Factually this is incorrect. I'm not after the person who has a glass of wine or a beer or a cocktail with dinner. The legislation is not about stopping responsible Albertans enjoying themselves. We're just asking people to know their limits and stick to them. Plan ahead.

I wanted to mention as well, two weeks ago I attended the Calgary Police Service alcohol unit, where I drank several alcoholic beverages and then took a breathalyzer. I'm 185 pounds. It took four drinks in 45 minutes. That's pretty hard-core drinking. In fact, some suggested that I was back in university again. When I fell below .08 I did not feel like I should be driving, and I was driven home by a friend. Above .08 I didn't feel like I should be driving, and when I was just still above .05, I didn't feel like I should be driving either. I would challenge members of the government and of the opposition to take this test if they are at all interested. I'm sure the Calgary Police Service or their local police force would allow for it.

I'm asking people to be responsible. Designate a driver. If you're unsure, get a cab. Take public transit.

I want to address as well that some businesses say that Bill 26 will hit their profits, particularly people in the hospitality industry. Mr. Chairman, I'm going to tell you: that's not the intention of this bill. There are similar laws passed all over the world. Earlier I showed a comparison of places like Japan with .03, Norway with .02, and Sweden with .02, which in my opinion goes too far. There are still thriving hospitality industries in all of those jurisdictions.

There has been also some criticism of sanctions for people who blow between .05 and .08. Driving at .08 is not responsible, in my opinion. Particular statistics as indicated in Remington's article: 20 per cent of traffic fatalities involving alcohol were of people who had .05 to .08. He cites a University of Western Ontario study indicating that that's 300 deaths between 1998 and the present. Mr. Chairman, that's not acceptable.

What happens is that over .05 a person's chances of a collision increase significantly. Hundreds of Albertans are needlessly killed, not to mention all those injured by people with alcohol in their system above .05 but below .08. I put to this Assembly: it's a disservice to families to suggest that tougher penalties are not needed. The federal government, in fact, in 2009 recommended that provinces strengthen their penalties. The evidence shows immediate consequences changes behaviour. Education and enforcement may prevent drivers blowing over .08 or even .05 along the road.

I also want to mention that we are not out of step with other countries, but we are also not out of step with other provinces. Every province except Quebec has .05 legislation. Saskatchewan actually has .04. I say as someone from Saskatchewan that there's probably not as much to run into there as there is here as well. In Alberta the current roadside penalty, as I mentioned, is 24 hours. This is weaker than any of the other jurisdictions that I mentioned. It does not escalate for repeat offenders. As you've heard, this legislation will change that. It will bring Alberta in line with other provinces. I mention that although we have not modelled ourselves after B.C., we cannot ignore their particular experience in bringing down the amount of traffic fatalities involving alcohol.

8:40

The penalties above .05 do not involve a criminal charge, do not involve jail time but, rather, the withdrawal of the privilege of being able to drive. The Member for Edmonton-Riverview and I were exchanging a glance earlier. I think we agree that driving is not a right, but it's a privilege in our society. The courts have also ruled in this respect as well.

About 80 per cent of traffic-related deaths involving alcohol are caused by people above .08, meaning again that the remaining 20 per cent are below .08, which this bill's detractors, unfortunately, do ignore for whatever reason. Again, I have taken a breathalyzer below .08. I did not feel I should be driving. Unlike B.C. the drivers will continue to face charges above .08. If they blow over .08, they lose their licence until after the criminal issue has been dealt with.

In Alberta people charged with serious offences are often remanded. It follows that if you have the right to withdraw a driving privilege and if you abuse it, you lose it.

In conclusion, I just want to make a couple more analogies. When my father and I used to come to Alberta when I was a kid, we would drive to visit family. He and I would often laugh at the time that there was no seat belt law. The Member for Calgary-Lougheed mentioned that, unfortunately, we're not leading the pack here. We're at the bottom of the pack here given the fact that almost every jurisdiction in Canada has similar blood-alcohol limits as well.

I do want to mention another thing as well. I do think a way that we can actually decrease the amount of drunk drivers on the road, although this is municipal jurisdiction, is that we should encourage the municipalities to open up more taxi licences. I think there need to be more taxis available to people on the road. Just this weekend a friend and I were heading out and couldn't get a cab. That's something that we may consider. I understand the Frontier Centre for Public Policy has written something about the number of taxis being low in a lot of jurisdictions, including Alberta.

We must act to prevent tragedies, especially the needless deaths that I've mentioned already. Interestingly enough, though, Mr. Chair, I do often solicit things through my Facebook, and I did receive an interesting comment last night from a defence lawyer who's from Goderich, Ontario. He indicated to me:

As a criminal defence lawyer, I can tell the social drinker that they have nothing to fear by this legislation. The whole notion that "I guess I shouldn't have had that second glass of wine" is

...

Something else I won't say.

To blow over .05 after a three hour soiree a man would have had to have at least five drinks and a woman probably four. No innocent sipper is going to get nailed by this legislation. I charge 5,000 bucks. A cab is \$20. Even after 10 drinks you should be able to do that math.

Interesting thoughts from a defence lawyer, which I've never been. At the same time, this defence lawyer, I think, does have a point as well.

The last thing I just did want to mention as well is just dealing with a recent B.C. decision on this particular matter, which is *Sivia v. B.C.* If you go to the second-last page, just in the summary here, the legislation really seems to strengthen the resolve of this government. I will just mention the one thing that the court did throw out, which was, again, the lack of an appeal process. B.C. didn't have an appeal process. I have to agree with the court; that was wrong. We do have an appeal process here. Most importantly, the court upheld this when it said:

The . . . legislation does not create an "offence" as that term is used in section 11(d) of the Charter. Therefore, the legislation does not trigger the application of s. 11(d) of the Charter and it is not necessary to address whether the [legislation] . . . violates the presumption of innocence.

That's what the court really had to say there as well.

I also just wanted to thank the Edmonton Police Service, particularly Arleen Yakeley, for sending me a letter thanking me for steps moving towards Bill 26. We have almost universal support, if not fully universal support, in this province from our local police services as well as the RCMP detachment here as well. The police are the people who are enforcing this on a daily basis, and I take their recommendation here very seriously, as should we all. The concept of drunk driving is very serious, and I think members in favour and members opposed to this legislation would agree on that much.

I'll just close by saying that I think that any one of us could be the next victim of a drunk driver with 1 in 22 people at night being impaired. We have to take this seriously, and I want to thank all members from all parties, all sides of this for doing so.

Thank you.

The Deputy Chair: Thank you.

I have the hon. Member for Calgary-Fish Creek on the main debate in Committee of the Whole at this time if you wish to proceed, followed by Calgary-Varsity, and I believe I have Fort McMurray-Wood Buffalo after that.

The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Well, thank you, Mr. Chair. I'm tired, honestly, after listening to the Solicitor General because he was speaking so fast that it was very difficult to try and write everything down and try and catch everything he was trying to say.

One of the frustrations I have, quite frankly, as the MLA for Calgary-Fish Creek and a member of the Wildrose is how the government tries to confuse the issue. There is no question, Mr. Chair, that our party – and I can speak for the Liberals, and I can speak for the NDPs. None of us like the idea of people that are driving when they're drunk. There's no question. I mean, when you start weaving and start talking about what Bill 26 is doing and all of a sudden we don't support legislation that has got a BAC over .08: it's absolutely foolish. There is no question – and I can probably speak for everybody in this Legislature – that we all believe that one of the top priorities for the government is . . .

Mr. Anderson: Should be.

Mrs. Forsyth: . . . should be to crack down on drunk driving. When you're talking about cracking down on drunk driving, I would like the Solicitor General to explain how many checkpoints are going to be increased. We have – what? – one in Calgary right now.

Mr. Denis: They already are.

Mrs. Forsyth: Well, Minister, you talk about how serious you are about the issue of drunk driving. When you want to catch drunk drivers, guess what you do? You have checkpoints. It's real easy.

Mr. Denis: We do.

Mrs. Forsyth: How many, Minister? One? Two? [interjections]

The Deputy Chair: Keep it at a high level.

Mrs. Forsyth: Then the minister talks about the fact that we don't support the police in the province. Mr. Chairman, I was the Solicitor General. I know what an incredible job the police do in this province day in and day out. I bet you if I spoke to the police, one-on-one, that instead of pulling people over and taking the time to see if they're blowing .05 to .08, they'd much rather be after the pedophiles that are hanging around the park, people involved in child pornography, organized crime, a thousand and one other things.

What the Solicitor General doesn't mention in all the times he's spoken is that Alberta has the second-lowest ratio of police in the country. I think the lowest one is Prince Edward Island. Then they start confusing the issue by throwing in the sheriffs and a bunch of other things. Police officer to police officer we have the second-lowest ratio in the country. I think that's real important. There's no question, absolutely no question, that the police and the peace officers, including the sheriffs and, for that matter, quite frankly, anybody that wears a uniform in this province, does an incredible job in very, very difficult situations.

I, too, Mr. Chair, can rattle off as well as the minister can about – and he spoke in regard to the Facebook messages that he got. Every single person that he referred to was impacted by someone who was legally impaired under the Criminal Code. He talked about the 80 per cent of deaths on the highway that were due to impaired driving, and the other 20 per cent he alluded to had something to do with drinking and driving. He talked about the 42,000 people that have over the last five years been pulled over with 24-hour suspensions.

Well, this question is to the Minister of Transportation. Minister, I'd like to see a breakdown of those 24-hour suspensions and those numbers you have in regard to how many of those suspensions occurred in rural Alberta. I think that's important because what we're hearing is that our RCMP in this province don't have the manpower, don't have the amount of people. So please tell us, of the 42,000 over the five years how many of those were pulled over in rural Alberta. I'd like to see how many. You know, you have all the stats, so tell us how many were pulled over in Calgary, how many were pulled over in Edmonton. Give me some ideas of some of your high areas. In Fort McMurray where we have – how many in the aboriginal communities were pulled over in those 24-hour suspensions. I know we have some problems. On some of the roads there have been horrendous accidents outside of Lethbridge, some of those things.

8:50

I still have not had an answer from the government, and I'm still waiting in regard to what they're going to do and how they're going to deliver the educational program that is mentioned in this legislation. So if the Minister of Education is here – I don't know if it falls under him as the Minister of Education. The minister of advanced education is also here. The minister of health may even want to say if it's coming under the health component, if something like AADAC is going to be able to deliver that particular service.

There are so many questions. We've just recently learned that in B.C. – and I've got my number somewhere. Oh, yes. Here it is. The B.C. police force announced on Friday – and I'm not sure what Friday – that they are recalling a total of 2,200 roadside breathalyzer devices to have them adjusted after learning there is a chance they could lead to invalid roadside suspensions. What are you going to do about that? I know when you start reading all the information that you have on the breathalyzers, they talk about the calibre and things like that that have to be adjusted.

The Solicitor General mentioned the fact that he's going to have the sheriffs pull over. Of course, we all know that the sheriffs don't have the authority right now under the act to do a breathalyzer, which means those same sheriffs that pull these people over for a roadside breathalyzer test will have to wait for an RCMP officer. It says clearly under peace officer, when it talks about the peace officer definition – it has the authority under the section of the act. I know that right now they do not have the authority to do a breathalyzer. Are we going to extend the scope of practice for the sheriffs? I know the sheriffs that I've spoken to obviously want their scope of practice extended. They would like to be able to do the breathalyzers and all of those things. So what are we going to do about that, Minister?

They talk in the act – and it's been mentioned here – in regard to the prevention and wellness that they're going to do under this particular piece of legislation, so I'd like to hear from the government about what they're exactly going to do under prevention and wellness? You know, it's all very well to bring forward a piece of legislation. This is a fairly large bill, and it's got lots of things in it, lots of fairly significant things.

You know, for us to pass a piece of legislation without being able to get the answers that I think are important in regard to: are you, Minister, going to increase your police force? If you want the police to start suspending drivers that are blowing over .05 to .08, are you going to increase the number of police officers or, for that matter, RCMP officers in this province so that they can be taken away from the work that they should be doing in regard to organized crime? I mentioned child pornography. There isn't a day that we don't open up the paper when we hear about another

child pornography ring busted. Are you going to increase the ICE team? All of those things are what I think truly, really, resonate with Albertans, quite frankly. We hear about organized crime, the gang violence, so we'd like to know that.

I've already asked you about the sheriffs. Are you going to extend their scope of practice? What are you going to do about the educational component? What type of breathalyzers are you going to be using when you talk about roadside breathalyzers? We've had lots of information about breathalyzers: what breathalyzers work, what breathalyzers don't work. You alluded to I think it was an Alco breathalyzer.

It's all well and good for the minister to tell us that he had the opportunity to go and sit and have three or four drinks to find out exactly where he was on the scale of impairment. Most Albertans don't have that opportunity to be able to play that game. I mean, quite frankly, Minister, I can have a glass of wine with dinner, and I'm fine. It depends on what I've eaten. It depends on what kind of day I've had. I can go out and have another glass of wine, and if I haven't had anything to eat, I can be tipsy real quick. Then I know what I shouldn't be doing, and that, quite frankly, is driving.

You know what? I have to give credit where credit is due, and that credit is to Albertans. I think that most of them are pretty sharp that way. I think what we're missing here are the chronic, repeat offenders that we really need to focus on. I don't see anywhere in this legislation a plan of attack about what you're going to do about the chronic, repeat offenders in this province. I'd like to hear – I know both you and the Justice minister go to FPTs, which are your federal-provincial-territorial meetings – what plan you have to talk to your federal-provincial-territorial counterparts. I know the former Solicitor General had attended FPTs. It would be nice to see if that was one of the items on the agenda. As the Member for Olds-Didsbury-Three Hills alluded to, in four years you would think you would have a plan of attack.

As I explained, when I was in the caucus the first time I even heard any discussion about the .05 was when I had the opportunity to sit beside my colleague from Bonnyville-Cold Lake, who was asking about bringing it forward in a private member's bill. As the Member for Olds-Didsbury-Three Hills has said, if you've had something about this in the plans for the last four years, I would think that you would be able to stand in the Legislature and tell us about the education plan that you have. All of the questions that we've asked previously – quite frankly, I stood up a few minutes earlier and congratulated the Member for Olds-Didsbury-Three Hills. Gutsy, by far, for standing up and bringing forward what his constituents have told him.

I can tell you that Calgary-Fish Creek has been inundated with phone calls. I had my first support for this legislation today. It was my very first call I had. When we pursued it further: don't live in the riding, just wanted to let us know. We're very, very careful about making sure that we're representing the constituents of Calgary-Fish Creek.

Every month I write on my website an article called What's on Your Mind. You can go back on my website probably for two years, and it's always been health, education, seniors. Once in awhile it might be education, health, and seniors, or, you know, we'll throw in something that's been a hot issue. Guess what was tied with number one in November? Justice. And guess what that justice issue was? On the .05 to .08 legislation, and 99 per cent of the phone calls that we got do not support this legislation.

I'm going to say what I've said before. I'm going to get this on the record because I know the Solicitor General is going to be door-knocking when the next campaign comes, and he's going to be saying to people: that darned Wildrose supports drunk drivers.

So I want to put it on the record, on the record right now, that the Wildrose – he’s making funny faces because he thinks he’s cute.

Mr. Denis: No. I’m not making funny faces.

Mrs. Forsyth: Yes, you were. [interjection] You can speak up later. We do not support drunk drivers.

I can speak on behalf of Calgary-Fish Creek, and I can also speak on behalf of the Wildrose. What we would like the government to do is target the chronic, repeat drunk drivers. We would like the Solicitor General to get more police officers in the province and let them do the job that they should be doing, which is targeting organized crime, pedophiles, child pornography. We would like the Solicitor General to have more checkstops out. We would like the Solicitor General to provide more support to the police in this province instead of telling them: “Well, this is what you’re going to be doing. You’re going to now be pulling people over and making sure that they may or may not be blowing over .05.” We would like the government to be able to answer the questions that we’ve asked.

The Minister of Transportation I’m sure is going to provide those – he talks over and over again about the 42,000 24-hour suspensions over the last five years. Well, Minister, provide us with a breakdown. Who would benefit more than us on the breakdown is the police. So if you’ve got a high percentage of 24-hour suspensions we’ll say in – pick a town or pick a city or anywhere because I don’t want to be accused of picking on rural Alberta or picking on Edmonton or picking on Calgary. That will certainly indicate to you where we have a problem with people that are driving over the limit of .05. Then we can target as per the – I can’t even remember the task force I chaired – Keeping Communities Safe report and recommendations. There was a very strong recommendation in there to target the areas. I’m sure the Justice minister’s Safe Communities Secretariat would be able to provide us that information.

9:00

With those comments, Mr. Chair, I appreciate you telling me my time is winding down. I want to emphasize once again that the Wildrose would like to see the government of Alberta target the chronic, repeat offenders. We need to target the 20 per cent of the population, no matter what it is, whether it’s involved in drinking and driving, B and Es, all of that, that causes 80 per cent of the problems in this province. We would like the Solicitor General to bring in more police instead of being the second lowest in the country police officer to police officer. At least, raise them up a couple of notches so that they can do their job instead of taxing them. There are a whole bunch of things that we’d like the government to do, but I think I’ll have the opportunity to be able to speak some more because I know we’re in committee. I’ll continue to bring forward the issues that, quite frankly, the police and Albertans, for that matter, have told me about. I guess the two people that are important at this point in time in the debate on this legislation are Albertans and the police officers that have to do this.

Thank you.

The Deputy Chair: Thank you, hon. member.

I have the hon. Member for Calgary-Varsity, followed by Fort McMurray-Wood Buffalo.

Mr. Chase: Thank you, Mr. Chair. In my offering of a pre-Christmas present to all members of this House, I’m going to be as uncharacteristically short as I possibly can be. I am going to try

and provide, in addition to my concerns, questions which I hope the Solicitor General, the Justice minister, or possibly the Minister of Transportation can answer.

I and my Liberal caucus colleagues are supportive of legislation that will reduce carnage on the roads related to overconsumption of alcohol. However, Mr. Chair, legislation alone does not save lives. It’s legislation in combination with enforcement that saves lives. As the hon. Member for Calgary-Fish Creek pointed out, Alberta has, if not the second lowest – I’m fairly confident of her figures – one of the lowest numbers of police officers per capita. In order to make this legislation have an impact and take drunks off the roads, you’ve got to have checkstops. You’ve got to have people in place.

Now, one of my questions has to do with the implementation strategy surrounding Bill 26. I’m aware, for example, that with the land assembly strategy the idea is: pass the bill, and then have the hon. Minister of Environment and Water go with the hon. Member for Livingstone-Macleod and consult the public. I refer to it as the cart-before-the-horse strategy. I realize that the government members have provided some statistical information from not only B.C. but from some of the other provinces, and they’ve noted countries that have below the .05.

With regard to the implementation strategy costs are associated. I would appreciate anyone from the government side who can give me an idea of the costs of the effective implementation of this bill. I believe, Mr. Chair, that health and safety are worthy of investment. We have recently debated the supplementary supply bill, and I do not recall any line items directly related to the implementation of this particular bill. For this bill to be successful, there will have to be dollars set aside for public education. There will have to be dollars set aside for the hiring of judges, the increased hiring of enforcement officers, and the training of existing sheriffs so that they can be brought up to the standard of the RCMP.

I note that within this legislation there seems to be a fear of fining. This legislation has to be paid for, but I think the government is a little bit shy of being accused of the cash cow argument, of this just simply being a money grabber as opposed to an impairment preventer. I would encourage the government, when they finally get this legislation right – that, in my personal opinion, won’t happen until after a committee has had a chance to bring forward witnesses and make the appropriate amendments and changes that will see this thing fly through the courts unchallenged.

In addition to the amount of money that is required – and even a ballpark figure would be appreciated – I would appreciate it, again, if the Minister of Transportation or the Minister of Justice or the Solicitor General can lay out a tentative timeline for bringing Bill 26 into complete action so that we can say that as of, you know, February 2012 we hope to reduce deaths related to impaired driving by such and such a percentage. I look forward to a timeline, and I look forward to attaching dollars to this bill because without the timeline, without the dollars the accountability portion of this legislation is missing.

I thank the hon. chair for this opportunity to discuss how we can reduce the carnage associated with impaired driving, and I’m hoping that any of the three hon. ministers who are present can answer the questions with regard to cost of implementation and also a timeline for implementation.

Thank you, Mr. Chair, and I look forward to their responses.

The Deputy Chair: Thank you.

I have the hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: Thank you very much, Mr. Chair. I also thank the Member for Calgary-Varsity and the Member for Calgary-Fish Creek, who spoke very well and who are very informed about the facts.

Alberta accident statistics confirm that a vast majority of alcohol-related injuries and fatalities result from impaired drivers at twice the legal impaired limit of .08. The question that has to be asked is based on the statistics that only 2.2 per cent had blood-alcohol levels from .05 to .08. That's only – I repeat – 2.2 per cent of people who have been involved in some kind of accident.

The question is: what about the other 97.8 per cent? That's the fundamental question to the Solicitor General, the Justice minister, and the Transportation minister. Why are you ignoring the 97.8 per cent of people that are creating the majority of the accidents? What are you doing? You're going after the 2.2 per cent, the soccer mom or the mother and father who go out and have a drink of wine after work. Great. Their car ends up potentially being towed for three days to seven days. It's wrong-headed. Why are you ignoring the 97.8 per cent that are creating accidents and that are causing deaths on our highways?

An even more direct question is this: why are you trying to ram this piece of legislation through? Why, unlike other parliaments and Legislatures across Canada, don't you refer this to committee, where the proper statistical analysis, the proper review of it from other provinces is done? It seems to be that this government wants to shoot first and ask questions later, and that's so typical of the number of bills that I've seen in this Legislature. I'm glad I'm not part of that government today because they shoot first and ask questions later.

Well, this is the opportunity to get it right the first time. The question is: why doesn't the Solicitor General or the Justice minister or the Transportation minister refer this to committee? You can learn something, certainly, from what's taking place in other provinces and from what's taking place in the federal Parliament relative to this issue when it comes to a proper review, a proper analysis statistically, collecting input from stakeholders relative to: what is a good law relative to this? This may be the start of a good law, but right now it is full of holes.

9:10

What are you doing? The Government House Leader is invoking closure. Why are you invoking closure? "We want to ram things through because we're not interested in hearing what Albertans have to say. We're not interested in what anyone else thinks because – didn't you know? – we're a 40-year-old government, and we're entitled to govern." That's the attitude of this government.

The Solicitor General should be listening carefully. Rather than shooting first and asking questions later, why don't you just get the bill right in the beginning? What we are willing to do is work at the committee level with opposition members and with this government to get it right for all Albertans. Rather than ignoring the other 97.8 per cent of Albertans, what are you doing? You're focusing in on 2.2 per cent of Albertans and forgetting about the 97.8 per cent of Albertans that have played a role and have created the majority of accidents because they are over .08. Why don't you get it right, turn your head and squeeze it around so it's not crossthreaded, and actually send it to committee? Send it to committee. And who knows? We may actually come back into this Legislature in the months ahead with a good law.

Right now this law rates right up there with what the law was when it came to the land-use framework. I see members on the other side who saw that. In fact, I had the pleasure of being in Eckville when that took place, and I can only say to you: Albertans sent the government loud and clear messages that night. I'm glad to see

that the Member for Livingstone-Macleod is still there because I think that night they had a rope around a tree waiting for him and the Member for Foothills-Rocky View. I remember that night. You may forget about it, but I'll tell you that you should guard against self-deception because, let me tell you, self-deception is going to come home to roost when the next provincial election is.

Solicitor General, on all of the laws that were put forward where you shoot first and ask questions later, why don't you for once try to get it right the first time? How simple is it to try to get it right the first time?

Mr. Chair, I would humbly submit that this member and the members of the Wildrose caucus, who are astutely listening to Albertans – Albertans are saying, "We want the government to take this law, put it in a washing machine, and go to a committee so it can be cleaned and so that it can be done right" rather than what we see in front of us. What we see in front of us is really nothing more than a bunch of legislation that was, like, drafted by kindergarten children as opposed to mature lawmakers that actually have given it thought, who have studied it. But what do they do? The Government House Leader this afternoon invoked closure to ram through bills. Isn't democracy just beautiful in Alberta?

Mr. Chairman, I can only say to you that this type of arrogance is unacceptable. This is a bad law. It'll be proven to be a bad law, just like the land-use framework was a bad law, and then it came in with about a hundred amendments. I don't know many; I lost track. You know, after you do one amendment, then two, then three, then four, you might maybe figure it out that: gee, maybe we got it wrong. Well, you got it wrong. Why? Because you're not listening to Albertans, and that's the difference between us and the government. In the Wildrose caucus we're listening to our bosses, unlike you people, who seem to think that: oh, well, they'll just listen to what we do and what we say because we're the government, that is entitled to govern.

Mr. Chair, I can only say to you that this bill is wrong. I humbly submit to the Transportation minister and to the Justice minister and to the Solicitor General: refer this to committee so it can be done right. I'm quite prepared as a member to work with members of government and opposition to get the bill right. Let's just do it right the first time rather than this ramming it through with closure to shut down and to run and hide. You're even afraid now to debate in this House because you're invoking closure. What does that speak about democracy in this province, especially on such an important bill as this? [interjections] I can only say that I think colleagues around here are saying: shame on you.

Therefore, the fact that you are violating the democracy of this Legislature by not going to committee, by not being willing to study it – it must be so beautiful to be perceived to be so bright on the other side that they don't have to study anything. They don't have to in fact do any statistical analysis.

Well, I can only say to you that if you've ever seen *The Beverly Hillbillies*, then you might have heard of Jethro Bodine. Let me tell you right now that I think it's Jethro Bodine who actually might have drafted this legislation because that's how poor it is.

Let's get it back to the committee. We'll actually get a bill together, study it, beef it up, and put some real meat on the bones as opposed to going after 2.2 per cent of the population rather than the 97.8 per cent that you're missing. This is wrong-headed, and clearly it's a wrong bill. Let's study it and get it to committee.

Thank you, Mr. Chair.

The Deputy Chair: Thank you.

I understood the hon. Solicitor General may have wanted to go next.

Mr. Denis: I actually just wanted to ask the consent of the House to go to Bill 21, after which we can go to the Member for Airdrie-Chestermere's amendment.

The Deputy Chair: Well, we'll decide that at the appropriate time. In the meantime, are you putting a motion to adjourn debate?

Mr. Denis: On Bill 26. I would like to go to Bill 21, Mr. Chair.

The Deputy Chair: Those are two different things, hon. member. If you are rising to adjourn debate, you have the floor. You can certainly move that we adjourn debate on this particular bill.

Mr. Denis: I would move that we adjourn debate on Bill 26.

[Motion to adjourn debate carried]

Bill 21 Election Amendment Act, 2011

The Deputy Chair: Are there any speakers at committee stage to this bill? The hon. Member for Airdrie-Chestermere, followed by the hon. Member for Edmonton-Highlands-Norwood.

Mr. Anderson: Mr. Chair, if you could clarify, are we on an amendment right now, or are we on the bill right now?

The Deputy Chair: We are on amendment A3, and amendment A3 is the one that was moved by the hon. Member for Calgary-Fish Creek, I believe.

Mr. Anderson: Okay. I have amendment A2, but I do not have amendment A3 in front of me, which is unfortunate. You know what? If we're on amendment A3, Mr. Chair, I'll just take my seat and let someone else speak to it.

The Deputy Chair: Okay. Thank you.

The chair recognizes the hon. Member for Edmonton-Highlands-Norwood, followed by the Member for Calgary-Fish Creek.

Mr. Mason: Thank you. Mr. Chairman, I'm finding it difficult to follow the hon. Deputy Government House Leader's blindingly fast moves here tonight. Could we be reminded about what A3 is? I'm trying to find it.

The Deputy Chair: Hon. member, amendment A3 was moved by the hon. Member for Calgary-Fish Creek. I'd be happy to get a page to take a photocopy and provide it to you while we recognize another speaker if you wish.

Mr. Mason: That would be wonderful. Please.

The Deputy Chair: This deals with striking out subsection (2) in the proposed section 38.1, and it further deals with adding something after subsection (2) respecting a fixed date of March 12.

I'll recognize Calgary-Fish Creek, who might elucidate somewhat on that, and then we'll come back to you, hon. member.

Please proceed.

Mrs. Forsyth: Mr. Chairman, thank you. I will tell you that amendment A3 was proposed by me. The first section is:

A general election shall be held March 12, 2012 and on the second Monday in March in the 4th calendar year following polling day in the most recent general election.

What we're suggesting is that we're going to have a fixed election date in March and every four years after.

The other subsection is:

The date for any general election after March 12, 2012 may be advanced up to 7 days by the Lieutenant Governor in Council, which is cabinet,

on the advice of the Chief Electoral Officer if the date of the election coincides with a religious or culturally significant holiday."

What we were doing there is that we were mirroring that after another fixed election day, and I think it was in Ontario. For example, March sometimes could include an Easter holiday, so we wanted to make sure that we were covered.

9:20

Mr. Chair, I think, more importantly than anything, the reason why I decided to bring this amendment A3 forward was the fact that the Premier is quoted and has been quoted in the Canadian Press. I'll quote it again so that it's in the record, so that when we go to the polls in March or April or May or June, whenever she decides to call it, sometime – we really don't have a fixed election date, so it could be February, March, April. It could go from now till, actually, 2013, when you have to have the election under the five-year mandate. Anyhow, Redford said, and I'm quoting . . .

Some Hon. Members: The Premier.

Mrs. Forsyth: "Redford said she would commit to calling an election in March . . ." The Premier.

I'm quoting. Can I not use the name if I'm quoting?

The Deputy Chair: Well, it's not the best of parliamentary procedure. It's been done before, as you know. We prefer that you not.

Mrs. Forsyth: The Member for Calgary-Elbow. How's that? Good? Thank you.

"[She] said she would commit to calling an election in March 2012 and every four years from that date. She said Albertans are supportive of the idea and that several other provinces already use the same model."

I have to tell you, Mr. Chair, I was quite excited when I read that, actually, because that came out on Friday, September 23. I thought: "Hmm. Maybe we have got someone." I've been a supporter of fixed elections for as long as I can remember. I haven't had the opportunity to get our researchers to check because they're so busy, but it seems to me that we did speak about this particular legislation many years ago when I first stood in this Legislature. I spoke for that then, and I'm still speaking for it now.

I was quite excited by the fact that finally this Premier that talks about how much she's going to change democracy and she's going to change the way things are done in this Legislature – I thought: "You know what? I think that's something that I'm going to support about her." When people ask me about the Premier, I was saying after I heard that: she believes in fixed elections.

As I indicated in my previous speaking notes, when the Premier was taking a question from, I believe it was, Edmonton-Highlands-Norwood, she said, "Mr. Speaker, I really don't think that the hon. member," referring to Edmonton-Highlands-Norwood, "wants to get into a debate with me about democracy or why it matters." Well, guess what? We do want to get into a debate. We do want to find out what she really considers democracy and what she really doesn't consider democracy. I mean, after all, this is the Premier that, when she was with Joe Clark, was sent over to Afghanistan, and as I said in this Legislature, even the people of Afghanistan knew when they were going to be voting on their first election.

Mr. Mason: They even knew the outcome.

Mrs. Forsyth: You know, Mr. Chair, we have a sense of humour. You've got to love my NDP colleague from Edmonton-Highlands-Norwood. He's got the most wicked sense of humour. As I explained before, it's just been a real pleasure sitting in this corner because you get to know a lot about people, and he has got just the greatest sense of humour.

Anyway, back to the bill and the amendment. This Bill 21: I count it as less than 150 words. These 150 words in this bill are supposed to be about democracy. Mr. Chair, they're not about democracy at all. Democracy is when you go over to Afghanistan and you allow the people to vote, and they know a date, as does the United States of America. They know when they go. The Ukraine: they know. Venezuela, Kenya, Mali, Mexico, Iceland, France. [interjections] The Education minister thinks democracy is really funny. They all have election dates, Minister of Education.

The Deputy Chair: Hon. members, the hon. Member for Calgary-Fish Creek has the floor. The chair is struggling a bit to hear her over some of the other comments.

Please, hon. Member for Calgary-Fish Creek, if you would continue.

Mrs. Forsyth: Well, maybe you'd like to speak to the Minister of Education.

Seven provinces have fixed elections, so why don't we focus on that?

Some Hon. Members: Eight.

Mrs. Forsyth: Eight. And Alberta doesn't, hence amendment A3. What we're trying to do is that we're going to give the Premier an easy way out. The amendment talks about having the election in March. It's amazing how you can talk when you want a job, and then all of a sudden you get the job, and you don't want to talk about it anymore. You know, people are starting to ask about all of the broken promises, and since we have to stick to one piece of legislation, we'll talk about the Election Amendment Act.

The quotes in the paper are in regard to how she was going to have fixed elections and how they were going to be March 2012 and every four years after because – and this is good, Mr. Chair – that's what the people of Alberta want. They want a fixed election date. She's going to have it March 12 and every four years after that, and she's going to follow the same model as several other provinces. I could read this article verbatim because she talks about fixed elections. She talks about democracy. You know, it just goes on. She talks about electronic voting so disabled residents, those in isolated areas, and those travelling abroad can cast a ballot. And she favours more power to her caucus. Well, the first time we've seen more power to her caucus was when the Member for Olds-Didsbury-Three Hills stood up and spoke.

Mr. Chair, I am going to once again ask the government members that are here to speak on behalf of their constituents and, for that matter, on what the Premier actually said. I keep repeating that over and over and over again because I want that on the record. Once we start campaigning, we're going to be posting these YouTube's, so we'll look forward to some of the other members speaking. I know the Solicitor General wants to get up and tell everybody what he thinks about fixed elections. We're anxious for him to get up and speak on that because I think that it's important the residents of Calgary-Acadia have that information come election time and that we can be able to hear what he has to say.

With that, Mr. Chair, I'm going to once again talk about encouraging members of the Legislature to support amendment A3, which is very simple and talks about a March 2012 election

and every four years after and even builds in the seven days in regard to a religious holiday if that happens to come up. I encourage everybody to support that amendment.

The Deputy Chair: Thank you.

The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Calgary-Varsity.

Mr. Mason: Thank you very much, Mr. Chairman. I'm rising to speak in favour of the amendment that is now before us. It's not ideal, from my point of view, but it certainly has the advantage of fulfilling the Premier's campaign promise for a fixed election day. It's beyond me how a fixed election day can last 90 days, but that's what the Premier has managed to arrive at.

9:30

What I find difficult about this is that it arbitrarily picks a day. The amendment that I made, which was not passed, unfortunately, talked about a consultative process. I think what's key here and what I think the act misses and which this one misses as well is that there's more than one political party in this province. I know that for some opposite that's hard to believe, but there is more than one political party. In fact, four of them are represented in this Legislature.

Dr. Taft: Five.

Mr. Mason: Five of them. Oh yeah, they're still around for the time being.

So there are five, which is probably more than in many, many years have been represented in the Legislature.

Dr. Taft: It might be the most ever.

Mr. Mason: It may be the most ever. That would be an interesting fact. Maybe when the Speaker does his moments in parliamentary history, he might want to address that at some point, hon. Member for Edmonton-Riverview.

The point is that there needs to be some consultation. There should have been consultation on this act, Mr. Chairman. There absolutely should have been some consultation. I was actually surprised. After being in this place for nearly 12 years, I don't consider myself to be a neophyte or particularly naive about how things are done. In fact, I was hopeful that the Premier was actually going to talk to the other political parties about the election. That didn't happen.

It may be ingrained in our political history. It may be ingrained in the British parliamentary system in the way that it's developed, the sort of sense that it is the advice of the government to the monarch or the advice to the monarch's representative that determines whether or not a government has the confidence of the House and whether or not there should be an election. That has evolved in that system to the point where, essentially, the Premier or the Prime Minister, the head of the government, has almost complete control over election timing. That's not always how it's been, but certainly that's how the British parliamentary system, including here in Alberta, has developed over the past few centuries. And it's that that people are starting to challenge. It's that that people are talking about when they say that it should no longer be the case that one person has complete and unrestricted control over election timing other than having to have an election every five years at a minimum.

So having taken the step that other provinces have taken and moved towards fixed election dates, the government fell short here, Mr. Chairman, and refused to go to an exact date, and they

refused to consult with other political parties. I think that that's just wrong. I think there's something fundamental that we have to address in this House when it comes to talking about election dates; it's that it should not be entirely in the purview of the governing party. It affects lots of people. So we set the rules of the game by consultation with all of the participants, not just one person gets to set the rules of the game and then, you know, amazingly manages to win most of the games.

I think that that whole mindset that exists here, that it is really in the realm of the government to make these decisions, is what we need to challenge and what needs to go. So this amendment at least narrows it down to one date, and it is at least being debated in the Legislature, so that is progress, Mr. Chairman. That's why I'm prepared to support it. But it does not negate the disappointment that I feel when I look at how this Premier is carrying out her mandate, which, of course, only comes from the Progressive Conservative Party, not from Albertans at this stage at least, to bring in fixed election legislation. She's failed to do that.

You know, Mr. Chairman, it's a good thing that this Premier didn't promise Albertans a chicken in every pot because we would have ended up with a pigeon in every refrigerator. That would have been in her view keeping the promise that she'd made. It's not quite what was promised. What was delivered is not what was promised.

Mr. Chairman, I think that March 12 is as good a day as any other. The second Monday in March seems to work, and I like the clause in here, clause (b), that allows the date to be shifted on the advice of the Chief Electoral Officer if the election date "coincides with a religious or culturally significant holiday." I think that's a good piece to add in here.

On balance, Mr. Chairman, I think that it is a good amendment to a bill that is disappointing and that has fallen short, and for that reason I will support it. Thank you.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Varsity on the amendment.

Mr. Chase: Thank you, Mr. Chair. I'm looking forward to having an opportunity to speak to amendment A3. I want to begin by thanking the Member for Calgary-Fish Creek for not only attempting to save the government's face but their butt as well. Now, A3 proposes March 12, 2012, as the first of our designated election days and thereafter every four years. The thoughtfulness of the hon. Member for Calgary-Fish Creek is very expansive in that she's allowed what I would call a week's wiggle room for government to cover potential religious holiday complications and considerations. Not only has she defined a day, but she's defined a week.

I know that the hon. Member for Edmonton-Highlands-Norwood had a little bit of difficulty around this particular date, but I believe his colleague the hon. Member for Edmonton-Strathcona, based on her discussions, would like the idea of this election date occurring in March as opposed to May because I know that the hon. Member for Edmonton-Strathcona was concerned about the number of students living in the area and was concerned that had the election been held in May as we'd originally proposed, there was the potential of students being left out of the process. We know, Mr. Chair, that the 18- to 24-year-old group is the least represented when it comes to voting.

Thirdly, hon. Chair, I want to talk very briefly about the law of unintended consequences. The Premier and her advisers, in proposing this electoral season, provided the opposition with the possibility of 91 amendments. The reason I say 91 amendments is that the period covered would include leap year. I think that

possibly in addition to amendment A3 we should have an amendment A4 that would be very logical. That would be to have the fixed election date every February 29 because the consequence would be that it would naturally occur every four years and the chances of it interfering with religious holidays or other events would be greatly reduced.

Lastly, Mr. Chair, in recognition of our current season maybe the government could adjust their election anthem accordingly: 'tis the season to be voting, fa la la la la la la la.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other speakers? The hon. Member for Airdrie-Chestermere on the amendment.

9:40

Mr. Anderson: That was riveting, riveting stuff. It's always great when we get the music going in here.

I'm going to obviously stand up and support this amendment because I'm in favour of fixed election dates. I feel that this probably in a lot of ways, I think, is the most egregious broken promise that the Premier has made. What is so frustrating about it, Mr. Chair, is that this is such an easy promise to keep. She made it right before a leadership selection where she was elected leader based on a platform of transparency and accountability. I just don't understand why she couldn't follow through with such an easy, clear promise that she had made. I don't understand. There are members opposite there that know – you know, they have enough integrity to know that this was dishonesty with Albertans. That's what it was. Everyone in this Chamber knows it, yet here we go. We're going to ram through a very silly piece of legislation that doesn't do anything.

Good grief. Even the previous Premier, who certainly to my knowledge is not a fan of fixed election dates, said that, yes, it will most likely be in March 2012, four years after the last one. He said that all along. I'm assuming he would have kept that promise. For this Premier to be that blatantly misleading to the public just says all I need to know about how much her word is worth, which is nothing.

It's sad, too, because new leaders, when they're chosen, get a completely clean slate in front of them. It's a white piece of paper, right? They can define who they are, and they can define what kind of leader they are, and they can define how they've changed things from scratch. One of the first things that she does is this. You know, first, she cancels the session; that's another issue. She cancels the session, recalls it for a couple of days, takes a month off, then comes back, and all that stuff. Now she's invoking closure on all this.

I guess that, technically, during the leadership she never promised to have a full fall session. She didn't make that promise. It was kind of implied because, you know, she talked about democracy, transparency, and respect for the legislative process. That kind of implied that you'd have some respect for the legislative process this year instead of this joke that has been the last two weeks and this final couple of days where we ram through legislation like it just means nothing. It's just incredible.

The Deputy Chair: Hon. member, we're debating the amendment, please. Casting possible aspersions on the work of the House may not get you there, so please stick to the amendment. Thank you.

Mr. Anderson: So the amendment, as we know, calls for a fixed election date, which is a promise that this leader made during her leadership election. She made that promise several times. We've

read into the record many instances from the newspapers and direct quotes from her that she would clearly set a fixed election date. She even mused about it being in March of 2012 – not mused, but really kind of just said: it's four years after the last one, which was in March 2008, so this one will be in March 2012. Then she comes back with this piece of rubbish, and that's what this bill is.

I find it ironic, Mr. Chair, that we can pass Bill 203, the Alberta Get Outdoors Weekend Act and that we can have a fixed date on that. The Alberta Get Outdoors Weekend Act: we think that's important enough to have a fixed date. But for the most fundamental pillar of our democracy, which is voting, for some reason this Premier thinks that it's acceptable to give her government the hand up on opposition parties and on the democratic process. It is absolutely shameful. She has with that move as well as several others completely undermined her own credibility in this Legislature and in this House and in the minds of Albertans, and of course the party that goes with it are those that vote with her in doing this.

I hope that some will stand up and say: you know what – what's she going to do? I mean, you're supposedly independent MLAs that can do what you think is in the best interests of your constituency or do what's right.

You know, she claims – I've heard her say many times that she was wrong for kicking out the Member for Fort McMurray-Wood Buffalo for standing up for his constituents. Well, okay. Good. If that's the way she feels, if you trust her so much, then why don't you stand up and vote against this bill, that you know clearly, many of you over there, is wrong? It is wrong. This is a joke. Name a jurisdiction in North America that allows for fixed election seasons. It's insane. I mean, it's just dumb. That's what it is. If there was any precedent for it, but there's not. It's just such a slap in the face to the people of Alberta and to the democratic process. It just says: "Ha, ha. Fooled you. Guess what? I'm going to go do something completely opposite to what I just said. I'm going to call a fixed election season, so we still can have a couple of weeks, two or three weeks' head start whenever we feel it's in our best interest."

I tell you that this is one of those things. You know, not necessarily everyone in the province of Alberta wants a fixed election date. That's not what I'm arguing. There are some that say that they don't care if there is one or not. But I'll tell you what every Albertan should be concerned about, whether they agree with fixed election dates or don't agree with fixed election dates, is being deceived, blatantly being told something and then the opposite occurring right after, days after the election. If that doesn't make Albertans mad or distrustful, then who knows what will? And you do feel it. You do feel the current of: we don't know if we can trust it. They want to. That's the thing about Albertans. I think we can all testify to this. They so want to give people the benefit of the doubt. They so do. It's just natural. They're so optimistic, and they're so bright about the future no matter what the times, it seems, that they want to give people the benefit of the doubt.

I'll tell you that regardless of her past leanings or associations with whatever leaders or whatever party she was involved with federally and so forth, even with that, I still think Albertans are like: "You know what? Let's see what she can do. Let's give her the benefit of the doubt. Let's see if she's going to be honest." All they really want is honesty. All they want is honesty. You know, they don't mind if you're wrong about something. Just say that you're wrong or just say what you're going to do and do it. If you realize that you've made a mistake, say you're wrong and change it. Whatever.

The point is that they just want honesty, and this was just so blatantly dishonest. It's very frustrating because, you know, you want to think the best of people. I know Albertans want to think the best of people on this with this Premier. But now they have cause with this bill as well as others, this bill being the most blatant of dishonest things that this new Premier has done with regard to the people of Alberta: telling them one thing and doing another.

I absolutely will be supporting this amendment. March 12, you know, is as good a date as any. As the hon. Member for Edmonton-Highlands-Norwood said: it's as good a day as any.

I also think it's very important that you give that couple of days of flexibility to the Chief Electoral Officer. You know, if it falls on a holiday of significant importance or cultural importance, et cetera, we can shift it one or two days. That doesn't make a difference, but three months is just a joke. This Premier should be totally ashamed. I really do wish that that Premier would have the guts to stand and defend this bill. I just wish that she would have the guts to stand and debate this bill with us in this House. It's very disappointing that I have not heard from the member to this point on this bill. It seems like she's running and hiding, that she doesn't want to take responsibility for her actions when she doesn't stand and debate this bill.

9:50

So I'll be supporting the amendment, Mr. Chair. I hope everyone will support this amendment in this House. Let's set this date. Let's get it done. Let's not be a joke when it comes to democracy and comes to, you know, this Premier's word. Let's make an honest lady out of this Premier when it comes to fixed election dates and her promises.

Thank you, Mr. Chair.

The Deputy Chair: I don't have any other speakers to amendment A3. If there are no others, I'd ask if you're ready for the question.

Hon. Members: Question.

[Motion on amendment A3 lost]

The Deputy Chair: We're now back to committee. Are there any other speakers at the committee stage?

Mr. Anderson: Well, we've already talked, Mr. Chair, a lot about our feelings on this, so I'm not going to belabour it much further. But I do want to propose this amendment because I promised to do so for a constituent of mine who had some very clear ideas of what he thought would be the best way to proceed. I'm doing this for him.

The Deputy Chair: Thank you. Hon. member, we'll just wait for the pages to bring the amendment to the committee desk here.

We're going to call this amendment A4. I'll assume that everyone who wishes to now has a copy of the amendment.

The hon. Member for Airdrie-Chestermere on amendment A4 as presented by yourself.

Mr. Anderson: Yeah. Amendment A4. I move that Bill 21, the Election Amendment Act, 2011, be amended in section 2 in the proposed section 38.1 by striking out subsection (2) and substituting the following:

(2) Subject to subsection (1) and (3), a general election shall be held April 16, 2012 and on the third Monday in April in the 4th calendar year following polling day in the most recent general election.

And (b) by adding the following after subsection (2):

(3) The date for any general election after April 16, 2012 may be advanced up to 7 days by the Lieutenant Governor in Council on the advice of the Chief Electoral Officer if the date of the election coincides with a religious or culturally significant holiday.

Clearly, this is very similar to the last amendment, Mr. Chair, so I'm not going to spend a lot of time on it, and I don't expect any other members will. The reason this constituent proffered this idea, or proposed this idea, was simply because – well, there were a couple of things. He thought that it would be important every year for there to be enough time at the beginning of the year to pass a budget, to put a budget forward. He thought that, you know, by the time we came back to work on February 1 or thereabouts, not much later than that, maybe even a couple of days earlier, in late January, if we had this law, we would have enough time to get through at least the budget and make sure that there was money in the coffers, so to speak.

One of the problems that you can have with calling it too early during the budget process – and we may run into this problem this year. I don't know what the Premier has in mind. I don't know what the Premier is doing because she didn't set a fixed election. Ideally, what one would do in this case, I think, is that you would come back, and you would pass a budget. In this case let's say that we come back on February 10, and the Premier does a throne speech, and she – I don't know – puts out a budget, a proposed budget, and then drops the writ. Then all of a sudden all of those consultations that were done for the six months prior to the writ period, in the caucus and with stakeholders and so forth, are essentially lost if the government of the day is defeated.

So you're asking a new government to come in, if a new government was to come in, and essentially start the budget process all from scratch, which takes time if you're going to do it right. By the time you get the consultations and everything fixed, you know, go through everything and get a budget, it's probably going to be, assuming that the election period was, say, from February 15 to March 15 or thereabouts, into May or June before you even get the budget passed, which would be well into the next budget year. So you'd have to be bringing all kinds of huge supplementary supply bills, which I don't think are necessarily a good thing except in the case of real emergencies.

The point that this constituent was making, that I'm making, is that the fixed election date ought to be long enough away from the start of the new year so that the government of the day can bring in a budget, pass the budget, go through the proper process for that, and then go to the polls. It gives the public a very clear idea of what the government's priorities are because they've just passed a budget. They can't hide from their record. They can't cover their tracks, so to speak, of what their priorities are. Their priorities are what's in the budget. So they can campaign on what they've done for that budget year, and if they've done a good job, the people of Alberta will give them another term. If they've done a poor job and another party is voted into government, that party will have then, again, a full year to develop the next budget, with proper consultation and so forth.

That way, you know, we're not running around passing supplementary supply bills just to essentially keep the lights on and keep the health care system going and all that sort of thing, which is not the way to do things. Clearly, you want to make sure that you've got a good amount of time to go over estimates and to go through each departmental budget with a little bit of thoroughness to make sure you're doing a good job.

It's a little bit later than my colleague proposed. It's about a month and a half or thereabouts later, but I think that would give

us a little bit of extra time to make sure that we get a budget, that we're not running out of money.

Again, I go back to the specific argument that this clearly was a promise made by the Premier. I would ask her and her caucus to please comply with her promise in that regard. She made the promise. I think the vast majority of the folks in this room know full well that it is the right thing to do, that a fixed election date is the democratic and honest thing to do for this Premier.

I would hope that, Mr. Chairman, in the interests of democracy, fairness, transparency, and all those wonderful things that we seem to hear from the other side from time to time – but actions speak louder than words. They haven't walked the walk. They've just continued to talk the talk, and that's not good enough for the people of Alberta. It's certainly not good enough for the people of Airdrie-Chestermere, who I'm honoured to represent.

Thank you, Mr. Chair.

The Deputy Chair: Hon. member, thank you also for indicating that this amendment A4 is virtually identical to the one we've just had significant debate on, A3, other than the date. So let's keep that in mind as we move forward.

The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Chair. Speaking extremely briefly to amendment A4, this is one, as you've noted, of 91 possible amendments. What this date, April 16, does suggest is that for the convenience of university students, while they would potentially be writing final exams, if polling stations were provided for their convenience in easily found locations on their campuses, I think the university students between exams could be encouraged to take the time to vote for their candidate. Also, speaking of university students, if they had the choice to vote for the candidate who represented them where they went to school and where their lives were terrifically impacted, they would appreciate having that choice as opposed to making arrangements to vote at some other location far from where they currently were attending school, possibly in remote corners of rural Alberta.

10:00

The April 16 date is another positive possibility. Mr. Chairman, other than the symbolic choice of April 1, which, of course, is April Fool's Day, I would suggest that any date selected within this election season would be preferable to the entire season. I'm sorry, Mr. Chair, but I don't have a song that goes with April 16.

Thank you.

The Deputy Chair: Well, it may be a good thing because I used to adjudicate song contests, hon. member. You may not have liked my ruling. However, I appreciate the spirit.

The hon. Member for Calgary-Fish Creek on A4. Proceed.

Mrs. Forsyth: Well, Mr. Chair, I'll stand up and speak. A3, with the March date, was voted down by the government, so I'm going to stand up and speak in support, obviously, of amendment A4, which is that "a general election shall be held April 16, 2012 and on the third Monday in April in the 4th calendar year following polling day in the most recent general election." My colleague from Airdrie-Chestermere has also included the same subsection as I did in A3, about the seven days that the Chief Electoral Officer has if it should coincide with a religious or, actually, culturally significant holiday.

I guess we could probably spend hours and hours in the Legislature debating dates. If we go back, actually, to the bill, we have the Premier's "I'm not sure when I'm going to call an election, but it may be between these dates" bill, where she talks about from

March 1, 2012, and ending on May 31. Amendment A3 was March, amendment A4 is April, and possibly the opposition will bring forward an amendment for May, and then we've covered March, April, and May. We've covered all three months that are included in this bill. I think the government might like one of those months, hopefully, so that we can kind of track them down from the three months to the one month so that we can get the government in regard to a fixed election date.

We have talked over and over and over again in regard to all the countries in the world that have fixed election dates. We've talked about the eight provinces in Canada that have a fixed election date. I know that Alberta is very proud of what I would consider going it alone. We like to be innovative. We like to do things differently. We like to be what I would consider leading edge. I think that if we go back to the speech, to when the Premier was speaking – it was supposed to be on the state of Alberta, and I think it was on the economy. We had to have a special concession in the Legislature to have this. It was more a Speech from the Throne and didn't even talk about anything else that we were going to talk about when we were supposed to be talking about the economy. I think that's what it was.

One of the things that the Premier has bragged about consistently and talked about is how she believes in democracy, how she had no hesitation about mentioning in the past her work that she did in Afghanistan. I've alluded to the fact that even for the first vote the Afghanistan people knew what date they were going to vote. Even though the Member for Edmonton-Highlands-Norwood said that they knew what the vote was going to be, they still had the opportunity to have a fixed date for an election, their very first election.

I guess what somebody has to ask is: what happens when you're charged with running the province and you become the head of the government and you start backing down from your principles? That's where I scratch my head. You talked about being the leader of the province. You were running for leader of the province, and you talked about fixed election dates. You talked about the Health Quality Council and the independent judicial inquiry. You know, there have been so many broken promises already in such a small period of time that it's hard for me to even keep up. The only promise that I think, quite frankly, has been kept is the \$107 million on education, and that's sort of a half-assed truth. We wanted to know where the money was coming from. We know the money has gone into education, and quite frankly we're very pleased. It's the same money that was taken out of education. [interjection]

You know, we have this continuous echo in the background from the Minister of Education. He has not got the fortitude to stand up and speak in this Legislature, but he can certainly chirp better than any bird I know can chirp, continuously. I'm hard of hearing, Mr. Chairman, and I can hear him, and I haven't even got my hearing aids in, for goodness' sake. There's probably a good reason for that, to be honest with you.

I was talking about her half-promises, and that was on the \$107 million that she promised would go back to the schools. A wonderful, wonderful idea, but I still don't know where the money is coming from.

Mr. Chair, on the A4 amendment I guess what I'm trying to get to is that the promises that are made are not the promises that are kept. It seems that once she becomes the head of the government, the Premier of this province, everything else changes. "We've just decided, Albertans, that – you know what? – I'm not going to keep my promises anymore."

I'm going to encourage the government again to support A4. We've done the March election: defeated by the government. I'm sure this April amendment will also be defeated by the govern-

ment. Maybe we'll hurriedly put an amendment out for May, and then in that way we've covered every month in her three-month period. You can pick the best one out of the three, quite frankly. It gives the government options.

On that note, Mr. Chair, I'm going to encourage the government members to support this amendment. I will say thank you and sit down.

The Deputy Chair: Thank you.

Is the House ready for the question on A4, then?

Hon. Members: Question.

[Motion on amendment A4 lost]

The Deputy Chair: Are there any other speakers in Committee of the Whole in general with respect to Bill 21, the Election Amendment Act, 2011?

10:10

Mr. Mason: Mr. Chairman, when I was an elementary student, there was a little poem on the back of our scribbles that would help us remember how many days there were in each month, and I think that the Premier and the government members need a little poem to help them remember how many days there are in a day. I've composed a little ditty for the members opposite to assist them in considering how to vote on this bill. It's called How Many Days in a Day?

Thirty days hath April.

The others have 31 except for February alone,

Which has 28 clear except each leap year.

Thus, the promised election date has 90 days

Except for 91 each leap year.

Thank you, Mr. Chairman.

The Deputy Chair: Thank you.

Is the committee ready for the question?

Hon. Members: Question.

[The clauses of Bill 21 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Those opposed? That is carried.

Bill 24

Health Quality Council of Alberta Act

The Deputy Chair: Are there any speakers at Committee of the Whole to this bill, or is there an amendment here? We are on subamendment A1. Are there any speakers to subamendment A1? The hon. Member for Calgary-Varsity.

Mr. Chase: I apologize, Mr. Chair. I thought you were asking for amendments to be made, and I hopped to it. I've previously spoken to A1.

The Deputy Chair: Thank you for that clarification. Sorry that I didn't spot that it was subamendment A1 quickly enough, but that is, in fact, what it is. It is a subamendment that was brought forward on November 29. Are there any other speakers to subamendment A1?

Is the Assembly ready for the question on this subamendment?

Hon. Members: Question.

[Motion on subamendment SA1 lost]

The Deputy Chair: We are now going back to the main amendment, which I believe is called amendment A1, moved on November 29. Any speakers to this amendment?

Is the Assembly ready for the question, then? The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: We're moving quite quickly here, so I just need to get a clarification that A1 is the government amendment that was brought forward, if I'm not mistaken, by the minister.

The Deputy Chair: I'm sorry. Just a moment. We're in the middle of a vote here, hon. member. Are you wishing to clarify something prior to the vote?

Mrs. Forsyth: Yes. I just want to get a clarification, if I may, that the one you're speaking of, A1, is the one that was brought forward by the minister.

The Deputy Chair: Yes. In fact, that's just what I was asking Parliamentary Counsel here to find for me. It was moved on November 29 by the hon. Minister of Health and Wellness, and it's A1.

[Motion on amendment A1 carried]

The Deputy Chair: We are now back to the main discussion during Committee of the Whole on Bill 24, the Health Quality Council of Alberta Act. Any speakers? The hon. Member for Calgary-Varsity.

Mr. Chase: Just to be absolutely certain, Mr. Chair, I think you mean Bill 24 as amended by A1.

The Deputy Chair: Yes. Correct.

Mr. Chase: Thank you. Mr. Chair, I would like to present an amendment to Bill 24. I will have the pages bring it to you so that it can be circulated, and then we'll discuss this proposed amendment.

The Deputy Chair: Thank you.

Hon. members, we will await the arrival of the original and then have the pages distribute copies to everyone. We will appoint this as amendment A2.

I shall assume that everyone now has a copy of amendment A2 to Bill 24. If anyone doesn't and still wishes to receive one, would you please signal? Otherwise, hon. Member for Calgary-Varsity, if you would proceed and tell us if this is on your own behalf or on someone else's behalf that you're moving it, we would appreciate it.

Mr. Chase: Thank you. Mr. Chair, I am moving amendment A2 on behalf of the hon. Member for Calgary-Mountain View, who is the Liberal health critic. The hon. member moves amendment A2 to amend Bill 24 as amended by A1 as follows: (a) in section 18 by striking out the words "unless the Panel determines, in accordance with section 19, that the hearing or part of a hearing is to be held in camera"; and (b) by striking out sections 19, 20, and 22(4).

Mr. Chair, the reason for this particular amendment is that if left unamended – and I'm including amendment A1 when I say unamended – these sections provide that all or part of a health system inquiry may be heard in private upon application to the panel. This is the first of a series of amendments that I'll be

proposing that, at the very least, if the government will not consider what the Premier promised, a judicial public inquiry, then by accepting these amendments, the transparency and accountability will be provided such that whenever the panel runs into some degree of problems, they can't scurry through the door, close the door behind them, and have in camera discussions.

Mr. Chair, the Premier talked in her campaign for the position of Premier about the importance of transparency and accountability. We've talked at length about the current intimidation that medical practitioners, whether they be nurses, orderlies, or doctors, are experiencing. Unless they have what this amendment is calling for, the right to in some cases have their comments shared publicly, their concerns shared publicly as opposed to in camera or behind closed doors – and they're especially concerned about the people who have made their life so miserable and in some cases forced them to leave the province due to intimidation – and to have those statements recorded in public so that the public can in fact be the jury. The importance of the public acting in that jury position and deciding whether or not the best interests of Albertans, in terms of their health management, has been taken into account is an extremely important factor.

10:20

As I say, in this particular amendment – and I will not go into considerably greater detail given the lateness of the hour. It's 20 minutes past 10 on Monday night, and we have a series of amendments that call for this type of clarity and transparency, A2 being the first of the series. So I'll look forward to other members participating in the debate. If we have to go with the Health Quality Council, a counterfeit to the Public Inquiries Act, at least let's have that group accountable for their actions.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, Calgary-Varsity.

The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Well, Mr. Chair, this is an interesting amendment. I think probably we had the discussion, I guess, last Thursday, when the Member for Edmonton-Highlands-Norwood brought up the fact that – you know, it's late into the night, 20 after 10, and all of the sudden you're getting all of these amendments thrown at you. As a member of the opposition you talk about being prepared and ready to speak on these amendments with virtually nothing in your hand, where the government can sit there and not really do anything about that.

I'm trying to look hurriedly into our Public Inquiries Act to find out just exactly what happens under the Public Inquiries Act, how they deal with hearings that are in camera versus out of camera. I'm going to suggest that I'm going to support this amendment because, as the Member for Calgary-Varsity has said, it's important that we have an open and transparent inquiry.

The Premier has talked about the fact that she wants everything to be open and transparent, how to establish a public inquiry, and all of the sudden that's all left in the hands of cabinet. So I would suggest that, you know, the talk about the fact that if it's an opinion of the board, et cetera, things like that, again, leave it in the hands of whether or not they should have a judge.

Then we go to the health system's inquiry under Bill 24, to the amendment A2 that the member has brought forward, and it talks about the hearings.

A hearing that is part of an inquiry is open to the public unless the Panel determines, in accordance with section 19, that the hearing or a part of the hearing is to be held in camera.

That's the part that the member is suggesting should be taken out.

Then it goes on: by striking out sections 19, 20 and 22(4).

Under considerations re in camera hearing it goes:

- 19(1) Where an application is made to the Panel to hold a hearing or a part of it in camera, the Panel shall weigh and consider the following matters, as applicable, before deciding to hold the hearing or any part of it in camera.

I think this is important to get on the record, Mr. Chair, as boring as it may seem. Albertans are very, very busy people, and a lot of them don't have time to read the legislation word for word or even to understand it. What they do understand, though, is whether we'll be able to tell them what is contained in this particular piece of legislation or not.

It goes on.

- (a) the private interests of a patient or person or, where the patient or person is deceased, of the patient's or person's next of kin.

I'm not sure exactly what relevance that has.

And then it goes on.

- (b) whether disclosure of all or part of the diagnosis, medical records or information of a patient or person is likely to result in harm to the patient or person or to the treatment or recovery of the patient or person.

So it goes on with, you know, disclosing medical detail and things. I guess that what my gut is telling me is that when you've gone this far and you're going into a full, transparent, judicial inquiry, it's important to keep the evidence open so the public can understand exactly what is happening. I always found from previous meetings I've been to – and I've been on a lot of boards previously appointed by the government and other work that I've done – that when all of a sudden you're going in camera, people always wonder what happens, like: "What are they talking about? What is it that they don't want the public to know when they go in camera? What exactly is happening?"

Having said that, I am going to be supporting amendment A2. I always rationalize or try and understand what exactly is behind what the government is trying to achieve, and under that section I can't really understand what the government is trying to achieve or if they're trying to achieve anything, to be very honest with you. Having said that, I am going to look forward to some more amendments that the member has said they're bringing forward. We're also going to be bringing amendments forward, and it will

give me the opportunity to do some research on what is being proposed versus what's incorporated in the Public Inquiries Act.

With that, I will sit down, and I will look forward to more debate.

The Deputy Chair: Thank you, hon. member.

I'm pleased to recognize the hon. Solicitor General and Minister of Public Security.

Mr. Denis: Thank you, Mr. Chair. It's late, and I see a lot of ties undone here. I would therefore move that we adjourn debate.

The Deputy Chair: On amendment A2.

[Motion to adjourn debate carried]

Mr. Denis: Mr. Chair, I'd move that the committee rise and report progress on bills 24 and 26.

[Motion carried]

[Mr. Zwozdesky in the chair]

Mr. Quest: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 21. The committee reports progress on the following bills: Bill 26, Bill 24. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you, hon. member.

Does the Assembly concur in the report presented?

Hon. Members: Concur.

The Acting Speaker: Are there any opposed? Accordingly, the report has been so ordered.

The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. I would move that this House stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 10:29 p.m. to Tuesday at 1:30 p.m.]

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